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How we are GOVERNED

THE HOUSES OF PARLIAMENT, FROM THE THAMES

How we are GOVERNED

by

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PREFACE

This little book, intended for beginners of all ages from fifteen to fifty, has been written in order to furnish in the fewest and simplest words an introduction to my *English Political Institutions* (3rd Edition, Clarendon Press 1925) and to my larger book *The Mechanism of the Modern State* (2 vols., Oxford 1927). In the hope that this intention may be fulfilled, I have ventured (with all appropriate apologies) to append to each chapter detailed references to those works. A short list of other books on the subject will be found in an appendix.

The title of the book is borrowed, again with all due apologies but in sincere gratitude, from a little book written more than sixty years ago by Anthony de Fonblanque, who first aroused my interest in political institutions when I was a small boy at school. If I am fortunate enough to do for a later generation what de Fonblanque did for his, I shall be well satisfied. One thing is certain: the need for precise knowledge of the matters with which his book and mine alike deal has not, in the meantime, diminished.

J. A. R. M.

House of Commons Library,

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I

The Heart of the Empire—Westminster and Whitehall

Westminster

LET us stand awhile in the middle of Parliament Square, facing Westminster Bridge. We are at the heart of the Empire, the greatest empire the world has ever seen. Immediately encompassing us are the statues of some of the great statesmen of the nineteenth century: George Canning, Sir Robert Peel, Lord Palmerston, Lord Derby, and Benjamin Disraeli, Earl of Beaconsfield. All around are imposing buildings which not only stand as symbols of Empire, but also house the actual machinery by whose ceaseless operation the Empire in its vastness and variety is maintained. On the right there looks down upon us the venerable Abbey, the most inspiring and the most sacred shrine in the world for all who speak the English tongue; linking age to age as no other church in the Empire can; the church in which our Kings and Queens are crowned, and the last resting-place of the Empire's greatest dead. Just short of Westminster Abbey stands the old parish church of Westminster—St. Margaret's—the official church of the House of Commons, and, since 1916, the parish church for the dominions beyond the seas. To this church both Houses of Parliament repaired on November 11, 1918, to give thanks to Almighty God for the deliverance of the world from a great peril. Within its walls lie the remains of Sir Walter Ralegh and other famous men, and in it have been held innumerable memorial services in memory of those who have played their parts, great or small, in the neighbouring Palace of Westminster where the sittings of Parliament are held.

Much older than the Houses of Parliament is Westminster Hall, which immediately confronts us as we stand in Parliament Square. This magnificent Hall was originally built by William Rufus in 1097, but in its present form dates from Richard II. For five hundred years it was the seat of the High Courts of Justice and witnessed many of the most famous State trials in English history. Here Charles I fought for his life and crown; here Edward II executed his abdication and Richard II was deposed; here the Seven Bishops were tried; here Strafford was condemned to death and Cromwell was installed as Lord Protector; here Sir Thomas More, the Earl of Essex, Queen Elizabeth's favourite, and Guy Fawkes were condemned; and here Warren Hastings after seven years' trial was acquitted. Some of these historic events are commemorated by brass tablets let into the floor of Westminster Hall, and similar tablets mark the spots on which the bodies of King Edward VII and Mr. Gladstone lay in State.

Almost overshadowing this historic Hall are the Houses of Parliament, still known technically as the Palace of Westminster, on the ancient site of which they stand, and still committed to the official custody of the King's Lord Great Chamberlain. The old Parliament House was destroyed by fire in 1834, and the present building was built (1840-50) to the designs of Sir Charles Barry. It has incorporated not only the old Westminster Hall, which happily escaped destruction in the fire, but the crypt and cloister of St. Stephen's Chapel, where the sittings of Parliament were originally held, and the name and memory of which still survive in the colloquial description of Parliament (St. Stephen's).

Whitehall

On our left as we look towards Westminster Bridge is Parliament Street, continuing as Whitehall until it issues into Trafalgar Square. Here are seen the vast buildings in which the

administrative business of Government is transacted. The first block on the left houses the Board of Trade, His Majesty's Office of Works, the Ministry of Education, and the Ministry of Health. The next block contains the Home Office, the India Office, the Colonial and Dominions Office, and the Foreign Office. The last two face into Downing Street, an unpretentious little street, on the opposite side of which is the Treasury, the Privy Council Office (in whose dingy recesses you will find sitting a Court of Law which is the Supreme Court of Appeal for the whole British Empire), and the official residences of the Prime Minister and the Chancellor of the Exchequer. Pursuing our way along Whitehall we pass, on the left, the Scottish Office, the Horse Guards, the Pay Office, and the Admiralty, and on the right, the War Office.

Almost within a stone's throw of Westminster and Whitehall, though separated from them by the beautiful glades of St. James's Park, are the Royal residences, Buckingham Palace and St. James's Palace, the latter being flanked by the two other Royal residences, Marlborough House and Clarence House.

An Historical Constitution

To what purpose are these details recalled? For a double purpose. The ground on which I have bidden the reader stand is in truth historic, if not holy, ground. The memories which should crowd in upon his mind recall some of the greatest events in the long history of the English people. These memories, moreover, illustrate the truth that any description of the Government of England must have regard to the rock whence it was hewn. The English Constitution was not made yesterday, nor a hundred years ago. It was never 'made' at all. It has gradually grown with the growth of the nation. Its foundations go down deep into the soil of an historic past. The structure as

we survey it to-day has been built stone by stone, stage by stage, by a continuous process on which successive generations of craftsmen have been engaged without intermission and without interruption for many hundreds of years.

Westminster and Whitehall, then, recall an historic past. Here the laws of England have been made; here the King's Justice has been administered; here the King himself has been crowned, has lived and worked from generation to generation. But they are the centre, too, of the ever-widening activities of the present. The main business of the Law Courts was transferred to a new Palace of Justice in the Strand about half a century ago, but the Supreme Court of Appeal, the House of Lords in its judicial capacity, still sits in the Palace of Westminster, and the Judicial Committee of the Privy Council, the Supreme Court of Appeal for the Empire, sits, as we have seen, hard by in Downing Street. The law-makers still do their work at Westminster, and the laws made at Westminster are carried into effect by the Ministers of the Crown and their countless officers and clerks, in the palatial offices which abut on Whitehall.

The making, execution, and interpretation of Laws

These are the matters with which the Government of any country is concerned. It is concerned with the *making* of laws (*legislation*); with the *carrying out* of laws (*administration*); and with the *interpretation* of laws (*judicature*). The body of men who make the laws are, therefore, collectively known as the *Legislature*; those who carry them out, as the *Administration* or *Executive*; those who interpret them, as the *Judiciary*. In days gone by, all these duties (*functions* we technically call them) were performed by one man—the King. He was the sole lawgiver, the sole judge, and he in person gave the orders which his servants carried out.

The King

In England all these things are still done in the King's name. No law is valid until it has received the King's assent, given by him in person or by those whom he has specially commissioned for this purpose. The judges who sit in the courts of law represent the King and give judgement in his name. The Prime Minister, the Secretaries of State, and the other Ministers who preside over the great offices mentioned above, are the King's Servants and are invariably summoned to Cabinet Councils by that title.[1]

Only in primitive and patriarchal times could the King act as sole legislator, sole judge, and sole administrator. The time soon came when he had to delegate or depute some or all of these functions to others. But it was a long time before there was any clear line of demarcation between legislation, justice, and administration. Even to-day the line is not always distinct, but since the middle of the eighteenth century, when a great French philosopher, Montesquieu, laid stress upon the importance of a clear distinction, there has been a tendency to keep rigidly separate these several functions of government.

As the matter is of great importance it may be well to try and make it clear by a very simple illustration. Suppose that you are riding a bicycle after 'lighting-up time', and you are stopped by a policeman. He does not forthwith fine you 5*s*. for breaking the law. Who is a policeman to take so great a responsibility upon himself? He takes your name and address, and presently you receive a summons to appear in a Court of Justice, where the case is tried by a Magistrate. The policeman when stopping you acted as a member of the *executive*; he gives his evidence before the Magistrate, you give yours, and the Magistrate

[1] Thus the Summons to a meeting of the Cabinet runs: A meeting of his Majesty's Servants will be held at 10 Downing Street at . . . o'clock on . . . the . . . which . . . is desired to attend.

(judge) decides the case in accordance with law. But the law was made not by the judge but by another authority acting neither in an executive (policeman) capacity nor in a judicial (judge), but in a legislative capacity. The three functions are here quite distinct, and the distinction is a great protection to the individual citizen. For suppose it had been otherwise. Suppose that on arriving in Court you found the policeman who had stopped you on the road sitting on the 'bench' as judge. Suppose that in his judicial capacity he ordered you to pay a fine of 5*s*., you would at once ask under what law you were punished. To this question the judge-policeman would reply: '*I* have made a law or rule that no one shall ride a bicycle after dark without a light: *I* find you disobeying that law and *I* punish you accordingly.' You, a modern Englishman, would feel yourself greatly aggrieved by these proceedings. But why should you? In countries which we regard as 'backward' this would be the ordinary thing: it is for those in authority to make rules and for the subject to obey them. But an Englishman to-day would instinctively regard such a procedure as improper and unjust, and would so regard it because (perhaps unconsciously) he is accustomed to what, in technical language, we call the 'division of powers' or the 'differentiation of functions' in Government.

Democracy

But the citizens of most modern States have got even beyond that. They not only think it important that the people who make the laws should be distinct from those who interpret them, and that the latter (the judges) should be distinct from those who actually carry them out. They go further. They think that they should not be called upon to obey laws which they have not themselves, directly or indirectly, agreed to. Laws there must, of course, be in every well-ordered society;

and the individual must obey those laws, or suffer the penalty for a breach of them. That is true not only of the State, the greatest of societies, but of every society, association, or club to which you may belong. When you join a club, the first thing you do is to agree to abide by the rules of the club; but those rules are not made by some arbitrary authority; they are made either by the whole body of the club members or by a Committee elected by those members. In a word, the government of a club is not an autocracy but a democracy.

This same principle, the principle of Democracy, is now generally accepted throughout a great part of the modern world. But in order to give effect to it the modern world, consisting as it does mainly of large States, has been compelled to have recourse to the device of election or representation. Every schoolboy in England is familiar with the idea of electing Committees for the management of games and so on; every adult —man and woman—in England is called upon to take part in innumerable elections for the management of affairs, national or local, not to mention a host of subsidiary Committees of every kind. In every county, in every town, and in most villages, the Government is vested in an elected Council. In a few of the smallest parishes the Government is vested in the whole body of villagers, who are too few in number to elect 'representatives'.

This latter practice recalls a type of Democracy much older than the representative form with which we are mostly familiar to-day. It was known as *direct* (as opposed to indirect or representative) Democracy, and existed in the City States of ancient Greece, in some of the medieval republics, and in the smaller cantons which were ultimately federated in the Swiss Republic. Switzerland still adheres to the principle of *Direct* Democracy. In the small Forest Cantons the whole body of people annually assembles to make the laws, and throughout the whole country the principle is maintained by the device of the 'Referendum'.

A 'Referendum' is nothing but a poll of the whole people. We are familiar with the principle in our towns, where from time to time a demand is made that a 'poll' shall be taken to decide for or against a particular proposal. There are some people who would like to see the principle of the Referendum extended from local to national affairs; as it is for certain purposes not only in Switzerland, but in Germany, in Australia, and in some of the States of the American Union. This is not the place to argue for or against a Referendum. I only mention it to illustrate the distinction between two different types of Democracy, the *Direct*, which was common in the smaller States of the Ancient world, and the *Indirect* or *Representative*, which is more appropriate to the large States of to-day.

England is commonly described as the forerunner of *Representative* or *Parliamentary* Democracy. But how, it may be asked, can a country which has a King be a Democracy at all? That is a puzzle which will require a longer and more careful answer later on, but it may be said at once that as there are different types of Democracy, so there are different types of Monarchy. The kind of authority wielded by a Tsar of Russia, or even a German Emperor, was something very different from that wielded by a King or Queen of England in recent times. The authority wielded by a President of the United States is very different from that of a President of the French Republic; that of a dictator like Signor Mussolini from that of an English Prime Minister. But let us confine ourselves to Monarchs. How did the German Emperor differ from his cousin the King of England? Neither could make laws without the assent of a representative Parliament; both delegated the exercise of the judicial authority to a regular body of judges. Where then did the difference lie? It lay in the fact that the German Emperor really directed, in large measure, the policy of his country; the English King acts invariably on the advice of Ministers, who are

nominally his servants but are in fact the servants of Parliament, or to speak more exactly the servants of the House of Commons, which is in turn elected by the people themselves.

This, as will be seen later, is the distinguishing mark of a Parliamentary Democracy; equally, *it is the distinguishing* mark of a 'Constitutional' King as opposed to an autocratic King. Or to adapt the phrase of a brilliant Frenchman: 'A Constitutional King is one who reigns but does not rule.'

The position of the King of England will be explained more precisely in the next chapter.

[*Cf. English Political Institutions*, chaps. i and ii; *Mechanism of the Modern State*, vol. i, chap. i–vi and chap. xiii.]

2

The King and his Ministers

The English Monarchy

THE King of England is not, as some people imagine, a mere figure-head; he is not merely a dignified appendage to a 'veiled republic' (as one of the most brilliant analysts of the English Constitution described it);[1] he is not merely the leader of Society; he is in truth the legal head of the State, and in that capacity has an immense amount of State business to transact.

According to legal theory, the position of King George V differs hardly at all from that of Henry VIII or Charles I. No law can be made without the King's assent; King George V appoints his Ministers, his Ambassadors, the Archbishops and Bishops and other dignitaries of the Church as Charles I appointed them; every formal act of Government is done in his name; he summons Parliament to meet; he prorogues and

[1] Walter Bagehot (1863).

dissolves it; all Proclamations are issued by the King; in his name the Judges execute justice; if a person convicted of crime is to be pardoned it is the King who pardons him; to him the ambassadors of foreign States are accredited, and in his name treaties with foreign States are concluded; if Heligoland is to be ceded to Germany it is the King who cedes it; if Cyprus is annexed to England the King must annex it; the army, the navy, the air force are the forces of the King.

'Constitutional Monarchy'

And yet the English monarchy is called a 'limited' monarchy; the King is a 'Constitutional' ruler; the Government of England is a Parliamentary Democracy. How is this apparent contradiction explained? It is explained by the fact that for every act of State, for every act done by the King in a legal capacity, there is some one who is responsible, and who, if challenged, must answer for his conduct to Parliament.

The Prime Minister

Of these 'responsible' ministers, much the most responsible and the most important is the *Prime Minister*. Technically, there is no such person known to the Constitution. Until recently (1905) the Prime Minister was not even recognized as entitled to any social precedence. But that state of things was found to be socially inconvenient, though it had existed for nearly two hundred years, and in 1905 King Edward VII by Royal Warrant assigned to the Prime Minister, as such, a high though not the highest place in the order of precedence. Apart from members of the Royal Family the Prime Minister now occupies the fourth place in the table, taking rank immediately after the Archbishop of York. Even now, however, there is technically no 'office' of Prime Minister; there is no salary attached to the position; though the Prime Minister always

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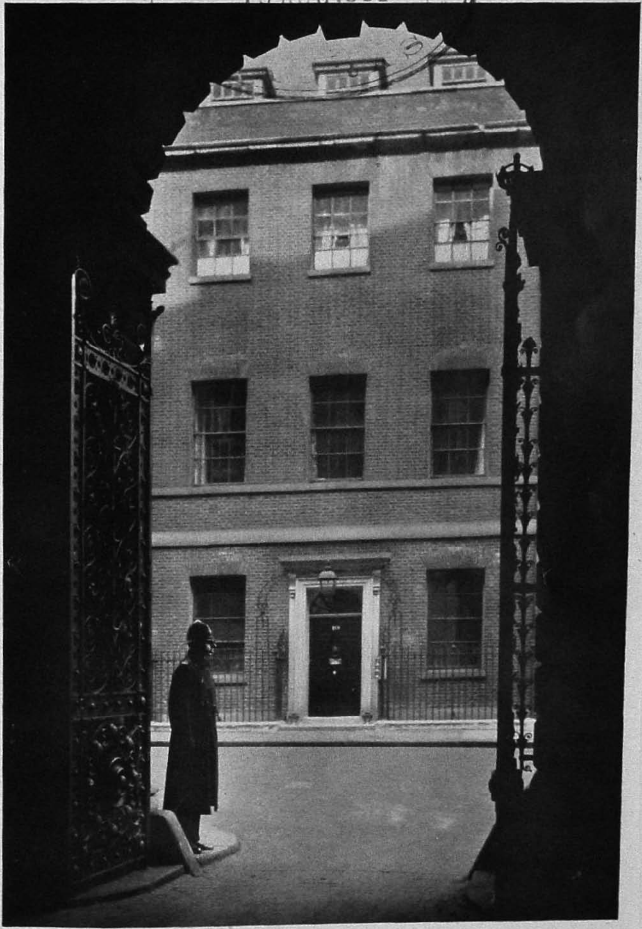

THE PREMIER'S OFFICIAL RESIDENCE
AT NO. 10 DOWNING STREET

holds another Cabinet Office—generally that of First Lord of the Treasury—and as such is entitled to a salary.

Yet if any one man can be said to 'rule' England it is the Prime Minister. Nominally the Prime Minister is appointed by the King, though in fact the King's choice is confined to persons who enjoy the confidence of the House of Commons and can in consequence count upon that House to support them in the 'advice' on matters of policy which they may offer to the King. Almost all appointments to high office in State and Church are made on the personal recommendation of the Prime Minister, and he is responsible for the bestowal of all titles and honours. He appoints all his colleagues in the Government, down to the humblest, though his choice is limited by the fact that, like himself, they must be members of one or other House of Parliament; he appoints the Archbishops, Bishops, Deans, and some of the Canons of the Established Church; the more important professors at Oxford and Cambridge; all ambassadors to foreign countries, Governors-General, and Governors of Dominions and Colonies (though in the latter cases he may seek the advice of the political heads of the Foreign and Colonial Offices). But in all these matters the King may, and sometimes does, exercise considerable influence. How much influence he exercises it is not easy to say; it depends a good deal on the relative personalities of the King and the Prime Minister. Some light is thrown upon recent practice by such books as *The Letters of Queen Victoria* and the *Biography of Edward VII*, but even they reveal, of course, only a part of the secret which is locked in the breasts of Kings and Prime Ministers.

The Prime Minister, then, is the first and greatest of the King's Servants. But he is more than that. He is at once the chief servant and the leader of the House of Commons, without whose support he cannot hold his high office for a day. He is the

leader, also, of one of the great political parties, and is not allowed to forget that the position entails responsibilities to the party, as well as to the King, to Parliament, and to the nation as a whole.

An English Prime Minister is, as I have said, nominated by the King, and there have been times when the King (or Queen) has exercised a limited choice in appointing him. Thus Queen Victoria was personally responsible for the appointment of Lord Rosebery in 1894. King George V had at least two men to choose between when, in 1923, he appointed Mr. Baldwin.

The Prime Minister has never, like an American President, been directly elected, and yet there have been times when the choice was clearly made by the electors. In 1880, for example, the electors unmistakably though indirectly chose Mr. Gladstone as Prime Minister as against Lord Beaconsfield on the one hand and Lord Hartington on the other. The Queen offered the post to Lord Hartington, but she could hardly have done so had he not been at the time the leader of the Liberal party. Lord Hartington, however, was well aware that the electors had voted not for him but for Mr. Gladstone, and wisely declined the Queen's offer. Similarly in 1885 a choice was open to Queen Victoria to appoint either Lord Salisbury, the leader of the Conservative party in the House of Lords, or Sir Stafford Northcote (afterwards the Earl of Iddesleigh), who led the party in the Commons. She preferred Lord Salisbury, and her choice was ratified by the party and the Country.

It will be seen, then, that the position of the Prime Minister is in a sense baffling and ambiguous. 'Nowhere in the world', as Mr. Gladstone himself once said, 'does so great a substance cast so small a shadow; nowhere is there a man who has so much power, with so little to show for it in the way of formal title or prerogative.' Another has said that so long as an English Prime Minister retains the confidence and support of a steady majority

in the House of Commons his power is greater than that of any other ruler in the world. The position of a President of the United States is more secure in that it does not depend upon the support of a parliamentary majority which may change or evaporate. Once elected, an American President retains power for a fixed period of four years, without the possibility of removal save for criminal misconduct. But in certain matters, such as the conclusion of treaties with foreign powers, he must secure the co-operation of the Senate, which may or may not be prepared to support his policy. Mr. Woodrow Wilson discovered this to his cost when he failed to secure the assent of the Senate to the ratification of the Treaty of Versailles and the Covenant of the League of Nations; Mr. Lloyd George, on the contrary, knew that his signature when appended to the Treaty was the bond of the country he represented. Speaking generally, however, an American President is more independent of Congress than is an English Prime Minister of Parliament.

The Cabinet

And what is true of the Prime Minister is true of the Cabinet. Like the Prime Minister, its chief or chairman, the Cabinet is the result of a long process of evolution, and its position, like his, is still informal and ambiguous. The Cabinet may be best described in popular language as an executive Committee of Parliament. Most people are familiar, from their own experience, with the idea and position of an executive Committee. Most committees, whether formed to manage a hospital, or a charitable society, or a cricket club, are too big for the ordinary conduct of business. Accordingly they appoint a small number of people belonging to their own body to act as an 'executive'. Technically Cabinet Ministers are appointed by the King; practically they are selected by the Prime Minister. But the Prime Minister's discretion, though very wide, is not unfettered.

Like himself his colleagues must be acceptable to Parliament, and in particular to that party in the House of Commons on whose continuous support the Ministry as a whole depends for its existence.

The Cabinet first assumed its modern shape in the reign of George I, though some of its characteristic features were only gradually evolved in the course of the ensuing century. Like most English institutions it came into being as the result of an attempt to solve a practical difficulty. The prolonged contest between the Stuart Kings and their Parliaments resulted, after the execution of one King and the deposition of another, in the victory of Parliament. The Revolution of 1688 and the substitution of William and Mary for James II sealed the victory. Henceforward, Parliament was to be the supreme power in the State. But a body of 500 or 600 men is useless for the day-to-day work of administration. Even a Committee of 50 finds it necessary, as I have said, to have a small 'Executive'. The King had from time immemorial found it necessary to have various Ministers and Secretaries to assist him in the business of the State. Thus the Lord High Treasurer dates from the reign of William I. An even older official is the Lord Chanceller, who from the reign of Edward the Confessor was the chief of the King's Secretaries. Later on, a Chancellor of the Exchequer was appointed to assist the Treasurer, whom he has now virtually superseded; and still later, a Secretary was appointed. There are now seven Secretaries of State who are respectively responsible for Home Affairs, Foreign Affairs, the Army, the Dominions and Colonies, India, Scotland, and the Air Force. The head of the Navy is known as the First Lord of the Admiralty. Formerly there was a Lord High Admiral, whose office dates from the fourteenth century; since 1708, however, the duties of the Lord High Admiral have been performed by a Board, over which the First Lord of the [Board of]

Admiralty presides, and is assisted by various 'Sea' Lords, practical sailors who are responsible to him, and through him to Parliament, for all technical details concerning the navy: for ships, strategy, discipline, and ordnance.

Each of the Ministers named above is head of one of the Great Offices or *Departments* already mentioned, the work of which will occupy our attention in a later chapter. But there are others of more recent origin: a President of the Board of Trade; Ministers of Health, Education, Labour, Agriculture, Transport; a Postmaster-General, and so forth.

When Parliament became the supreme authority in the State, the Ministers who had been (and technically still are) the servants of the King, became practically the servants of Parliament, and gradually it was found convenient that they, or some of them, should act as a committee with a joint, as well as a several, responsibility to Parliament. Every committee in the world has a chairman, and if the same man regularly takes the chair, his position tends to become one of great power and importance. He sometimes tends, indeed, to become the master of the committee. The chairman of the Cabinet Committee became gradually known as the First or Prime Minister, or more briefly the Premier. Sometimes this chairman has been a Secretary of State. Sometimes he has been Chancellor of the Exchequer, most often he has been the First Lord of the Board of the Treasury, a Board which represents the Lord High Treasurer, just as the Board of Admiralty represents the Lord High Admiral. The only difference is that the Board of the Treasury, like the Board of Trade, never meets, while the Board of Admiralty meets regularly, and is of the greatest practical usefulness.

As a rule, then, the Ministers of the Crown (or State) are also heads of Departments, members of one or other House of Parliament and also members of the supreme governing com-

mittee known as the Cabinet Council, or more briefly the Cabinet. They are also, invariably, members of a much older Council—the King's Privy Council, a body dating from medieval days, and still performing certain functions, mostly of a formal character. The President of the [Privy] Council is invariably a member of the Cabinet, but has practically no other duties. The same is true of another historic official, the Lord [Keeper of the King's] Privy Seal. The Keeper of the Great Seal of the Realm is the Lord Chancellor.

The Privy Council

The Cabinet has been described as the Executive Committee of Parliament, but historically it derives not from Parliament but from the Privy Council. The latter is itself a descendant of the King's Council (*Curia Regis*), which dates from Norman days and has had, under various names, a continuous history from those days to our own. An attempt was made under the Lancastrian Kings to make this King's or Privy Council directly subordinate to Parliament, but the attempt was unsuccessful, and in the sixteenth century the Council became the all-powerful instrument of Tudor Government. It was greatly enlarged under the Stuarts, and became so unwieldy in size that the King started the practice of consulting with a few members of the Council, who met in his own closet or cabinet, a practice which has given its title to the most distinctive of all our political institutions, the *Cabinet* Council. Lord Clarendon in his *History of the Great Rebellion*, writing of the year 1640, mentions seven persons, including Archbishop Laud and the Earl of Strafford, as forming 'the Committee of State, which was reproachfully afterwards called the Junto, and enviously then in Court, the Cabinet Council'. This is believed to be the first mention of this new Constitutional development.

The custom of holding small Councils in the King's closet

developed rapidly after the restoration of the Stuarts in 1660; but the development was watched with jealousy and alarm by old-fashioned Conservatives. Attempts were from time to time made to arrest the development, but never with success, and in 1679 the old Privy Council was virtually abolished save for formal business and (as we shall see later) as a Court of Law. In that year Charles II bade farewell to his Privy Council in words which have now acquired significance as a sort of funeral oration: 'His Majesty thanks you for all the good advice which you have given him, which might have been more frequent if the great numbers of the Council had not made it unfit for the secrecy and dispatch of business. This forced him to use a smaller number of you in a foreign Committee, and sometimes the advice of some few among them upon such occasions for many years past.'

These words indicate quite clearly the several stages in the evolution of the modern Cabinet. Out of the big unwieldy Privy Council was formed a 'foreign Committee' (i.e. Committee for the conduct of diplomatic business); out of this again, emerged a still smaller Committee meeting in the King's Cabinet.

But not until after the Revolution of 1688, and then only gradually, did this Cabinet become so inseparably associated with Parliament, that to-day no one can be a regular member of the Cabinet who is not a member of the House of Commons or of the House of Lords. There is indeed no law on the subject. There is no law on any subject connected with the Cabinet. But custom is in some matters stronger than law, and custom decrees that a Cabinet Minister must have, or must quickly obtain, a seat in Parliament and must also be sworn as a member of His Majesty's Privy Council.

There are other customs or conventions which have been gradually established in connexion with the Cabinet and which it may be convenient to mention here.

One is that all the members of the Cabinet should be drawn from the same political party and should, therefore, take the same view on all important matters of policy. Even if they are not wholly agreed on every question, they must *act* as a single unit, and must present in public a united front.

This is what is meant by the constitutional doctrine (again only gradually established) of 'mutual responsibility' or 'Cabinet solidarity'. Members of the Cabinet, even if they are not in complete agreement, must behave and speak as if they were, and must not reveal any differences of opinion to the outside world. This is a doctrine, adherence to which has varied from time to time, according as Cabinet discipline is strict or slack, and according to the degree of authority wielded by the Prime Minister. But it may be laid down as a regular convention of the Cabinet system; and without its observance Cabinet Government, as we have understood it in this country, could not be maintained.

Even the Sovereign is not entitled to ask or to know the *individual* opinions of Cabinet Ministers. On this point of Cabinet etiquette (to put it no higher) Mr. Gladstone was most explicit. 'As the Queen', he wrote, 'deals with the Cabinet, just so the Cabinet deals with the Queen. The Sovereign is to know no more of any differing views of different ministers, than they are to know of any collateral representation of the Monarchical office; they are a unity before the Sovereign, and the Sovereign is a unity before them.' And again, 'while each Minister is an adviser of the Crown, the Cabinet is an entity, and none of its members can advise as an individual, without or in opposition, actual or presumed, to his colleagues'.

It need hardly be said that Cabinet Ministers, being human, do in fact hold opinions of their own, and do occasionally express them; and that the King or Queen, equally being human, does sometimes attempt, as did Queen Victoria on

famous occasions in 1859 and 1864, to elicit the individual, as well as the corporate, opinions of Ministers of the Crown. Nevertheless, the rule of corporate responsibility is well established and is generally observed.

If a Cabinet Minister finds himself hopelessly at variance with his colleagues, either on some particular issue or on general policy, only one course is open to him—he *must resign*. If the Prime Minister finds himself in a similar situation his colleagues must resign, and unless he can find others acceptable to the *House of Commons*, he must either resign and so terminate the existence of the Government, or must ask the King to dissolve Parliament and so submit the issue to the constituencies. The Prime Minister is not a despot in the Cabinet; he is not, in Gladstone's phrase, a Grand Vizier; but he is 'the keystone of the Cabinet arch'. He maintains the Cabinet in position; if the keystone falls out the structure is demolished.

The Prime Minister occupies, then, a four-fold position. He is the head servant and principal adviser of the King; he is the chairman of the Executive Committee of the nation; he is the leader of a Party, and he is the leader of one or other House of Parliament. He sometimes acts also, in addition to all these functions, as the head of one of the great Departments of State. *Mr. Gladstone*, for example, when Prime Minister was also for a time Chancellor of the Exchequer; Lord Salisbury was Prime Minister and Foreign Secretary, so was Mr. Ramsay Macdonald. Whether a Prime Minister, with his ever-increasing duties and responsibilities, will in future be able to discharge simultaneously all these functions is a serious question. Mr. Stanley Baldwin lately (December 1927) expressed a doubt whether Prime Ministers will long be able to lead the House of Commons as well as do all the rest of their work. But this little book is concerned with things as they are, not with things as they may be in future.

The King-in-Council

Meanwhile, a few words must be added as to the actual duties which still remain, despite the development of the Prime Minister and the Cabinet, to the Sovereign and his Privy Council.

Legally there are certain things done by the King-in-Council, and certain other things by the King-in-Parliament, for the doing of which provision would have to be made were the Monarchy (an event hardly to be contemplated) ever abolished in this country, as it has been in France, in Germany, in Austria, and in many other States.

The Privy Council, though not the important body it once was, still meets frequently and provides the formal and legal machinery for many acts of State of considerable importance. For instance, it is the King-in-Council who issues all Proclamations and Execution orders. If a new Parliament has to be summoned, it is summoned by a Proclamation issuing from the King-in-Council. It is in the Council that a new King takes the oath on his accession to the Throne, and that his accession is formally proclaimed. It is in the Council that newly appointed Bishops do homage to the King for the temporalities of their Sees; that Ministers of the Crown take the oath of office, kiss the King's hand, and from him receive the insignia of office; that Sheriffs are pricked. Many executive acts must still be done 'in Council' and attested by the signature of the Clerk of the Council. Parliament is wont to delegate to Council various kinds of powers: the power to lay down general rules; to issue particular commands, e.g. to a local authority which is recalcitrant in carrying out the law; to grant licences; to order inspection; to order inquiries, e.g. as to a railway accident. As a rule the originating authority in most of these cases is one of the administrative Departments to which, as we shall see presently, the Privy Council has given birth. Nevertheless the Council itself remains the formal authority.

The actual functions of the King himself are similar to those of his Council. The majority of them have become purely formal; the real power having passed to the Ministers on whose 'advice' the King acts: e.g. when the King dissolves Parliament before the expiration of its legal term he acts almost invariably on the advice of his Prime Minister, though, in certain circumstances it is still within the right of the King to decline that advice, and alternatively to require the resignation of the Minister who offers it. But, in that event, the King would need to find another Minister prepared to take the responsibility of dissolving or not dissolving Parliament, as the case might be.

What the King does

Generally speaking, however, the chief practical function still remaining to the King is that of advising his Ministers. He can no longer issue orders to them, as to what they should or should not do; but he may still exercise very great influence upon national policy, as an adviser of great experience. Moreover, he enjoys one great advantage over his Ministers. His place is a permanent one; they are pre-eminently transitory; here to-day, gone to-morrow; endowed with an authority which though great is brief. The King's experience of affairs is continuous; that of Ministers is generally broken. Consequently, many secrets of State are known to the King which are not known to Ministers, and such knowledge necessarily gives to his counsel and advice great weight. Again, even the most independent and least courtier-like individuals cannot resist the feeling that a certain degree of divinity does still hedge a King. The King is not quite as other men, however much some democrats would like to persuade themselves he is. He belongs to a different caste. The most eminent republican President, even the representative of an ancient peerage, is made of a different clay. Resent this as you may, reason it away as you

will, the fact remains the King is a King, and as King the influence he can exercise over his Ministers and others must needs be different in kind from that exercised by private individuals.

In matters of foreign policy the Sovereign has always exercised considerable influence, if only by reason of the fact that he has been wont to correspond on equal terms with other Sovereigns. The overthrow of thrones since the Great War must, of course, diminish this particular advantage, but the King still retains the advantage of continuity of information, and the *Letters of Queen Victoria* and the *Biography of Edward VII* make it clear how great this advantage has been.

Yet when all is said, we come back to the point from which we started. The King of England is not an arbitrary ruler but a 'constitutional' Sovereign; in other words his actual political activities are limited by the conventions of a Constitution which for the last three centuries has been uniformly tending towards the substitution of Parliament, and those whom Parliament represents, for the Monarch, as the supreme and ultimate repository of responsibility in the Government of the country.

It is proper to emphasize the phrase *political* activities; for in the social sphere the supremacy of the King and Queen and the Royal Family are as great and unquestioned, perhaps greater and more unquestioned, than ever before. It may well be, indeed, that in proportion as the principle of 'democracy' advances politically, the influence of the Monarchy is socially extended and enhanced.

The King and the Empire

Nor is that influence limited to the insular Kingdom of Great Britain. Recent years have revealed the increasing value of the Monarchy as the centre and symbol of those cohesive forces which bind together the scattered units of a far-flung Empire.

The more important of those units, the great English-speaking Dominions, have in these last years made rapid strides towards complete self-government. But the advancing tide of democracy in the Dominions so far from weakening has tended rather to increase the importance and significance of the Crown. The visits of the Prince of Wales and other members of the Royal Family to distant portions of the Empire have further emphasized the significance of the Monarchy, and have forged fresh links of affection between the Motherland and the younger communities oversea. To the place of those communities in the Empire, and to their government, further reference must be made in a later chapter. Mention is here made of them merely to emphasize the practical part which the Monarchy still plays in our Constitutional arrangements. As General Smuts, though a republican by tradition and a strong nationalist by conviction, has himself said: 'you cannot make a Republic of the British Commonwealth of Nations'. That vast Commonwealth with its variety of Governments and diversity of peoples, demands a symbol of unity, and it finds that symbol in our hereditary Kingship.

[Cf. *English Political Institutions*, chaps. iii, iv; *Mechanism of the Modern State*, chaps. xxiii, xxiv, xxv.]

3

Parliament

Supreme authority over Great Britain is now wielded, as previously explained, by Parliament. Parliament however consists of three parts: the King, the House of Lords, and the House of Commons; and to all Acts of Parliament the assent of all three parts is necessary. To this rule there have been, since the passing of the *Parliament Act* of 1911, certain excep-

tions, but the exceptions need not for the moment detain us, though they are far from unimportant.

The English Parliament has a long history behind it, and as much of the work which it does to-day cannot easily be understood except by reference to that history, a brief sketch of the main stages in its development is essential.

The Origin of Parliament

The origin of Parliament may be traced to two ideas, both of great antiquity. The one is that the King, though himself the supreme law-giver, the supreme administrator, the leader of his people in war and their ruler in peace, should nevertheless seek the advice and counsel of the wisest and most experienced of his subjects. Many of these advisers were Bishops, as was natural in days when the clergy had a monopoly of learning; some of them were great landowners (Earls or Barons). Such men came to form in time a *Council*, who were regularly summoned on important occasions to assist the King with their advice (*consilium*). To this Council—the Great Council of the Kingdom—we may trace the origin of one part of Parliament, that which now forms the House of Lords.

Representation

The other idea is that of *Representation*. Long before Parliament came into existence (13th century) the idea of selecting certain prominent individuals to represent their neighbours in local affairs was familiar. The smallest of the local divisions of the country, then as now, was the *Township* or *Parish*. The affairs of the villages were managed, as they are to-day, by a Parish Meeting or Township *Moot*. The largest of the local divisions, then as now, was the *Shire*, or *County* as it was called after the Normans had given French names to our old English institutions. A *County* was a division of the country adminis-

tered by a *Count* (Latin *Comes* = Companion of the King). Though our shires became known as counties we never had Counts in England, but curiously enough we had Vice-Counts (*Vicecomites*), though except for giving a name to an order of nobility (Viscounts) they were always known in England by the older English name of Sheriffs (shire-reeves).

Each shire had its shire-meeting or Court (County Council) and in this Shire-court each Parish was represented by its head-man (*reeve*) and four men of the better sort (*meliores homines*). From time to time the shire-courts were visited by the King's own 'justices', who came in a double capacity: first, to administer justice and see that the King's law was obeyed throughout his Kingdom; and secondly to collect the revenue due to the King from each locality. The King's judges still go about the country (on 'circuit', as we say), but only for the purpose of administering justice. The duty of assessing and collecting the revenue has fallen into other hands. The judges are still met in each shire they visit by the Sheriff, and by some of the leading men of the shire, local magistrates or justices of the peace, who are now known collectively as the 'grand jury'. But of these matters we must speak further when we come to deal with local government. We are now concerned with these 'better men' of the townships, because they come to meet the King's judges, to represent their neighbours in the important matter of contribution to the public revenue, in short as tax-payers.

Election

To the idea of *Representation*, with which for many a long day the humblest villager in England has been familiar, was presently added the idea of *Election*. For one purpose or another persons were to be *elected* as *representatives* of their fellows, and the election was to take place in the County (Shire) Court.

In 1213 another and very important step was taken. In that year King John, who was hard pressed for money, ordered the sheriff of every shire to send up four 'knights' from his shire to discuss the affairs of the realm with the King. That summons marks the important transition from *local* to *central* representation. Yet like most important stages in the development of English institutions the step was as easy and obvious as it was significant.

Model Parliament of 1295

The idea of central representation developed rapidly, though irregularly, during the thirteenth century, until, in 1295, it culminated in a great assembly, convened by Edward I. This assembly is commonly known as the 'Model Parliament', since in it we have all the elements of which Parliament has since been composed, as well as others which have disappeared.

The archbishops, bishops, and abbots of the greater monasteries came not only as Princes of the Church, but as great landowners; like the lay barons they were summoned to attend by letters addressed to them individually. These 'spiritual peers' (as we have since come to call them) numbered in this Parliament no fewer than 90. The lay baronage counted only 48—7 earls and 41 barons. But the representation of the Church was not limited to bishops and abbots. The bishops were bidden to bring with them the dean or prior of the cathedral church, the archdeacons, one proctor representing the cathedral chapter and two proctors representing the parish priest of each diocese.

In addition to the above, King Edward addressed to the Sheriff of each shire a Writ bidding him arrange for the election in the Shire-court of two knights to represent the shire, and two citizens for each city and two burgesses for each borough.

The composition of this famous Parliament may be shown in tabular form as follows:

I.	Lay Peers	Earls	(7)
		Barons	(41)
II.	Spiritual Peers	Archbishops and Bishops	(20)
		Abbots	(67)
		Heads of Ecclesiastical Orders	(3)
III.	Lower Clergy		(about 100)
IV.	Commons	Knights	(74)
		Cities and Boroughs	(about 232)

How does this Assembly compare with the Parliament of to-day?

A visitor to Parliament to-day will observe that there are two Chambers—a House of 'Lords' and a House of 'Commons'. In the former he will find about 700 lay peers and 26 archbishops and bishops. In the other or 'Lower' Chamber he will find knights of the shire; representatives of towns and a few representatives of Universities—615 members in all.

The Clergy

What of the other elements enumerated above? The abbots from the first disliked the obligation of attending Parliament and so far evaded it that in the fourteenth century and onwards they rarely numbered as many as thirty, and in the sixteenth century they finally disappeared in consequence of the dissolution of the Abbeys.

The representatives of the Cathedral Chapters and of the parochial clergy found attendance at Parliament very irksome; besides, they were jealous of their clerical privileges, and preferred to make their money grants to the King in their 'Convocations' of Canterbury and York; they therefore dropped

out of Parliament almost from the outset. Not, however, until 1664 did they abandon the privilege of separate taxation, with the result that clergymen of the Church of England cannot even now (1928) be elected to sit in the House of Commons. This is a good instance of poetic justice; the neglect of what was formerly regarded as an irksome duty has now entailed a disqualification.

The clergy were not, however, the only people who regarded attendance at Parliament as an irksome duty. Nowadays, the 'franchise' (i.e. the right of voting for members of Parliament) is regarded as a *right*. If it is withheld people clamour to obtain it. In 1832 the withholding of this right from certain classes and certain places nearly led to a revolution. Only a few years ago the withholding of the vote from women was vehemently resented and great was the rejoicing when in 1918 the right was conceded. Similarly, there is to-day an eager competition for election to Parliament. Great excitement is aroused when a member has to be chosen in a county or a town.

It was far otherwise in the thirteenth century. Parliament (or 'talking shop' as Carlyle translated it) came gradually into existence, not as a concession to the people, but to suit the convenience of the King. The King needed money to carry on the government of the country. Much of the money he got from the rents of his own lands. But as the expenses of Government increased, this source of revenue proved insufficient, and the King had to resort to taxes—compulsory contributions from his subjects.

Taxation

The original method of collecting these taxes and of deciding how much different people should contribute was, as we have seen, to send 'Justices' or Commissioners into the various localities. But from the King's point of view, it was obviously

much more convenient to bring to some central place representatives of all the localities.

The primary business of Parliament was, then, to hear from the King *why* money was needed, how it was going to be spent, and to consult with him as to the best means of raising it.

This is still, as we shall see, the most important business of Parliament.

Redress of Grievances

But all this led to discussion, and not seldom to disputes. Consequently a sort of bargain was struck. People, then as now, grumbled about this or that, and wanted things altered. The King was asked to redress the grievances of which complaint was made; if he refused to redress grievances the representatives of the tax-payers might make difficulties about meeting the financial necessities of the King.

Gradually, therefore, there was established the very important principle that the 'redress of grievances' should precede the grant of supply. Another development took place. The 'grievances' were at first most often personal and particular; but one of the results of bringing representatives of different counties and towns into one central meeting was the discovery that many localities and many people were complaining about the same grievance. So collective statements of grievances gradually took the place of individual petitions. The King's answers to petitions were enacted as laws or *Statutes*. But the Statutes did not always exactly correspond with the Petitions on which they were based.

Parliament, therefore, began to draw up the more formal statement (*Bills*) and ask the King to assent to them. With the granting of the King's assent, the *Bills*[1] ('Petitions') were transformed into *Acts* (something done or trans*acted*).

[1] A Bill (Latin *Bulla* (cf. Papal Bull)) was originally a *seal* attached to a formal document. Thence the *document* itself.

Legislation

Thus to its original function of granting taxes, Parliament soon added the function of making laws (legislation). So important indeed did this secondary function become that Parliaments all over the world are now technically known as *Legislatures* (or *Law-making bodies*).

Parliament, however, does not itself spend the money it votes; that was and is done by the King or his servants; nor does Parliament itself actually carry out the laws it makes. How then was Parliament to be sure that the money it had granted to the King was spent as it had intended, or that the laws it had made were carried out?

Ministers of State

Gradually, but not until a much later date, Parliament, and particularly the House of Commons, began to inquire into these matters. But of whom had it to inquire? It was hardly respectful to cross-question the King himself. So Parliament began to try to fix the responsibility for such matters on the King's Servants or Ministers.

This was at first done by bringing formal charges against Ministers (*Impeachment*). In these impeachments the House of Commons was the accuser; the Lords were the judges. From the fourteenth century to the seventeenth 'impeachments' of the King's Ministers became increasingly common. But the method was at best a clumsy one. A Minister might have been careless or unwise without being criminally guilty. What then was Parliament to do? To grant money and not be certain how it was spent; to make laws and not be sure that they were carried out, was very unsatisfactory. But the solution of the problem was not easy, and was not really found until (as we saw in Chapter II) it became customary for the Ministers of the King to sit regularly in Parliament, and, still later, for Parlia-

ment (in fact) to control their appointment, and, subject to an appeal to the electors, to dismiss them.

When this state of things was reached Parliament had taken a long step forward towards establishing itself as the supreme authority in the Kingdom.

We may now perhaps venture to use more technical language and say that the functions of Parliament are three: it grants 'supply'; it legislates; and it exercises continuous control over the Executive (i.e. the Ministers of State and their subordinate officials).

Lords and Commons

Hitherto we have, with rare exceptions, spoken of Parliament. But, as any visitor to Westminster knows, Parliament now consists, apart from the King himself, of two Chambers: the House of Lords or 'Upper Chamber', and the House of Commons or 'Lower Chamber'. It was not always so; on the most formal occasions it is not so to-day. When the King opens Parliament, or prorogues it, or when he announces his assent to Bills, the whole of Parliament—Peers Temporal and Spiritual, and Commons—assembles in one Chamber, and there listens to the words or message of the King. At ordinary times, however, the Peers do their business in one Chamber and the Commons in another.

How, when, and why did this arrangement come about?

When Edward I called his great Council in 1295, all the different classes of people summoned to attend met, no doubt, as a single assembly. They might have continued so to meet; or, on the other hand, they might have broken up into a number of different meetings corresponding to the different classes of people. Thus we might have had one Chamber of Barons, a second Chamber of Clergy, a third Chamber of Knights, and a fourth Chamber of Burgesses. Some such arrangement was, in

fact, adopted in other countries, as, for example, in Spain and Sweden. But, as we have seen, the clergy soon ceased to attend Parliament altogether, and in less than one hundred years' time we find that the remaining four elements have arranged themselves in two Houses. In the one House sat the peers—temporal and spiritual—in the other the representative knights of the shire and the representative townsmen.

How and when exactly this arrangement came about, nobody knows. It may have been accidental; if so, it was a very fortunate accident, and practically the whole world has now copied the example of England and has organized the legislative body in two Chambers. Not that all other countries possess like us a House of Lords. On the contrary the English House of Lords, consisting almost entirely of hereditary peers, is almost unique. A few Second Chambers, such as the Senates of Spain and Italy, contain hereditary nobles side by side with nominated or elected Senators. The French Senate is wholly elected, so is the American; the Canadian Senate is wholly nominated. Thus the Second or Upper Chamber is very differently constituted in different countries, but the really important thing is that all countries, with very few exceptions, have decided that the best arrangement for a Parliamentary body is the arrangement originally worked out in England, namely, that of two separate Houses or Chambers.

[Cf. Marriott, *Second Chambers; English Political Institutions*, chaps. vi–x; *Mechanism of the Modern State*, chaps. xiii–xvii.]

4

Elections and Electors

Election of the House of Commons

We have now seen how the English Parliament came into existence, and have seen roughly the sort of work it does. We shall see presently how the work is done, but before passing on to describe how Parliament does its business we must consider a preliminary question.

Parliament, as an institution, has enjoyed a continuous existence of more than five hundred years, but no single Parliament can now exist for more than five years. At the end of each period of five years, or it may be sooner, Parliament is dissolved and a new Parliament is called into existence.

Every English child is familiar with the spectacle of a Parliamentary election. Every town and every village is, on such occasions, thrown into a state of excitement. Hoardings are covered with big posters imploring people to vote for Mr. Smith or Mr. Jones; carriages or motor-cars dash through the streets carrying party colours; blue ribbons and red are to be seen everywhere; even the children are sometimes decorated with blue or red rosettes. All this is familiar enough. What does it mean? It means that an election is taking place for a new Parliament.

The Constituencies

The first step towards the summoning of a new Parliament is the issue by the King of a writ or order addressed to the sheriff of the county and the mayor of the borough. This writ orders the sheriff or mayor to procure the election in his own locality of one or more persons to represent the locality. For this purpose England, Wales, Scotland, and Northern Ireland are divided into some six hundred divisions, or 'constituencies' as

they are called. Each constituency (with few exceptions) is called upon to elect one representative.

When the sheriff or mayor receives the King's writ he proceeds to call for the nomination of candidates. Almost any man or woman—unless insane or bankrupt or a clergyman of the Church of England—may be so nominated as a candidate. He or she must be proposed by an elector in the particular constituency, seconded and supported. If only one such candidate is nominated, the sheriff or mayor forthwith declares him or her to be duly elected and returns the writ to London with the name of the elected person inserted in it. Generally, however, two, three, or more candidates are nominated for a single constituency. When this happens, the sheriff or mayor announces that an election will take place. Nowadays, all elections are held by law on the same day.

Between the time of nomination and the day of election there is about a fortnight's interval, and it is during that fortnight that the constituency exhibits the excitement already described. Each candidate comes forward, as a rule, as a representative of one of the parties into which politicians are grouped; or, in comparatively rare cases, a candidate may come forward as an independent individual.

Party Government

For 200 years or more England was divided politically into two parties, known respectively as Tories or Conservatives, and Whigs, Liberals or Radicals. To these two historic parties there has recently been added a third party known as Labour or Socialist. Each of these parties puts forward at a general election what is called a programme, that is a document explaining what proposals the party would like to see carried into law and on what lines it would like to have the country governed. As a rule each party puts forward a candidate in each

constituency and the candidate in his turn issues to the electors of the constituency his own programme or address. These programmes differ to some extent in different places, according to the character of the constituency—industrial or agricultural, urban or rural—and according to the views of the individual candidate, but generally speaking the addresses have, at general elections, a family resemblance, according to the political complexion of the candidate.

During the election contest each candidate holds a number of meetings at which he and his friends make innumerable speeches and answer, as best they can, innumerable questions. At last the day of election arrives, and excitement reaches a climax.

Nowadays almost every grown-up person, man or woman, is entitled to vote for a Parliamentary candidate. Down to the year 1918 the franchise, or right to vote, was confined to men. Before 1832 the right was confined to a very small number of men, but by successive Acts of Parliament passed in 1832, 1867, 1884, and 1918, the right of voting was extended to one class of people after another until to-day, as we have seen, the right is enjoyed practically by every adult man and woman.

Voters and Voting

On the day of election every elector attends at a particular place known as a Polling Station, gives his or her name to the person in charge of the Polling Station, and receives from him a slip of paper containing the names of the two, three, or more candidates who have been duly nominated. The elector places a cross against the name of the candidate preferred, folds up the paper, and places it in a box known as the ballot-box. The voting is absolutely secret; no one can possibly know how any particular elector casts his vote unless the elector himself chooses to tell. At a particular hour all the polling stations are closed and the ballot-boxes, carefully sealed up, are taken to a room

where they are opened in the presence of the mayor or sheriff, who sees that the votes given for each candidate are accurately counted, and this having been done, publicly announces the result of the poll. The candidate who obtains the largest number of votes is thereupon declared to be elected as the representative of the particular locality or constituency. The mayor or sheriff then notifies the King or his servant that Mr. Smith or Mr. Jones or Mrs. Robinson has been duly elected to represent Manchester or York or Warwickshire, as the case may be.

Manchester, however, is a much larger town, though a less historic and interesting town, than York, and all counties are not the same size; consequently, in order that each elector may be equally represented in Parliament, the larger towns and the larger counties are split up into divisions, each of which returns one member to Parliament. Roughly speaking, each member represents about 70,000 people. It was not always so, in former days constituencies varied very greatly in size. Some important places which had grown very rapidly in population, like Manchester and Birmingham, had no members at all, but people gradually came to see that this was very unfair, and in 1832 Parliament passed the first of a series of Acts designed to give different localities fair representation in Parliament. The system now in force is not, of course, perfect, and some people would like to see alterations made, but, roughly speaking, the system is as equitable as it can be made so long as we retain the old idea that Parliament should consist of representatives not of particular classes, nor of particular interests, but of particular localities.

[Cf. *English Political Institutions*, chaps. ix–x; *Mechanism of the Modern State*, chaps. xviii, and xix.]

5

Parliament at Work

The House of Lords

We have now seen how a new Parliament is called into existence, but Parliament, it will be remembered, consists of two Houses. The House of Commons is elected in the manner described in the previous chapter. The House of Lords consists, not of persons elected afresh for each Parliament, but of persons who have an hereditary or an official right to attend it. These persons fall, as already indicated, into two classes. First, there are the Temporal Peers of the United Kingdom—dukes, marquesses, earls, viscounts, and barons—who now number in all about 700 persons. They are entitled to sit in the House of Lords either by hereditary right, i.e. because they are the heirs of their fathers or grandfathers, or because the King has created them peers. Secondly, there are twenty-six Spiritual Peers—archbishops and bishops. There are now more than twenty-six diocesan bishops in England, but by law only twenty-six of them can at any one time sit in the House of Lords. The Archbishops of Canterbury and York, the Bishops of London, Winchester, and Durham must be included in the number; the other twenty-one sit according to seniority of appointment as bishops. To these two classes must now be added a third very small class, consisting of eminent lawyers who are summoned to the House of Lords and sit as Peers for life only, in order to assist the House of Lords in its judicial work. About this more will be said presently. Meanwhile it is important to observe that no one can sit in the House of Lords until he has received a special and individual summons from the King.

Opening of Parliament

Having seen how Parliament comes into being, we may now watch it actually at work. Parliament now generally sits

through the year from February to December, with short holidays at Easter and Whitsun, and a long holiday—generally three or four months—between August and November. Each new Parliament and every session of Parliament is opened and prorogued by the King in person, or by special commissioners nominated by him. As a fact, it is generally opened by the King in person. The King and Queen wearing their crowns and Royal robes, and attended by the great officers of their household, proceed in their State coach from Buckingham Palace to Westminster. A brilliant throng of Peers and Peeresses, Bishops, Judges, Diplomatists, in their robes or uniforms, await in the House of Lords the coming of the King and Queen. Their Majesties having taken their places on their thrones, the King commands the attendance of the members of the House of Commons, and when headed by their Speaker they have taken their places at the 'Bar', the King proceeds to read his Speech, containing a brief summary of the political situation and a programme for the session to come. Though opened by the King, Parliament is prorogued by commissioners. Commissioners are also nominated to declare in the King's name his assent to Bills passed by the two Houses. All these ceremonies, the opening and prorogation of Parliament, and the King's assent to Bills, take place, as stated, in the House of Lords, but the members of the House of Commons are, on these occasions, summoned to be present, though only as listeners, in the same 'gilded' Chamber.

Parliament having been formally opened by the King, the members of the House of Commons repair to their own separate Chamber and proceed to do their own business, leaving the Lords to do theirs.

The Speaker

The first business of a new House of Commons is to elect from among its own members a Chairman, known as the Speaker.

THE INTERIOR OF THE HOUSE OF LORDS

The Speaker holds a very ancient and a very honourable office, and occupies a very high place in the table of social precedence. In former days he was nominated by the King, and was the chief channel of communication between the King and the House of Commons. To-day he is elected by the House, but must receive the approval of the King before he can take the Chair. Having received that approval, the first business of the newly elected Speaker is to claim from the King the historic rights and privileges of the House of Commons—a claim which is always graciously conceded and, nowadays, scrupulously respected.

The House of Lords has no Speaker, but is presided over by the Lord Chancellor, who sits, not upon the throne, which is occupied only by the King when present in person, but upon a sort of ottoman, known historically as the 'Woolsack'.

The work of Parliament, as we have already seen, is threefold : (1) To vote money supplies to the King, now represented by his ministers or government; (2) to make laws; and (3) to criticize and control the executive government. But perhaps the simplest way to explain the business of Parliament is to go and watch the House of Commons at work. This anybody can do by going into the public gallery or into one of the special galleries to which access is gained only by ticket.

The House of Commons at Work

The House of Commons generally meets at 2.45. At that hour precisely the Speaker enters the Chamber accompanied by his chaplain and other officials. The chaplain opens every meeting by reading prayers. This done, the chaplain retires and the House gets to work. The first hour of each meeting is devoted to the answering of questions. Any member of the House, may, with due notice, ask a question of any minister of the Crown. As the visitor listens to these questions and answers

he may very well think the time is being wasted. Very often it is, and yet the privilege of asking questions, and the obligation imposed on ministers to answer them, is an exceedingly important part of the business of the House of Commons. During that question hour the legislative body is exercising its control over the executive body. The King, through his ministers, informs members of Parliament, and through them their constituents and the whole nation, how the government of the country is being carried on, why certain things are done and certain things are left undone; or, to put it in technical language, the 'Executive' is made answerable to the 'Legislature'. The visitor may be slightly bored by the procedure, but he must not on that account too hastily assume that the hour of questions is wasted or unimportant.

The Process of Law-making

Questions over, the Speaker orders the Clerk to announce the first business of the day. That business generally consists of the discussion of a Bill. Bills are of three kinds: (1) Money Bills, i.e. financial Bills involving the grant of money to the Crown, (2) ordinary public Bills, and (3) private Bills, i.e. Bills affecting some particular locality or some special body of persons, such as a Railway Company or an Electrical Company.

Every Bill must, as a rule, pass through the following stages: (1) It must be introduced by a member and must, if approved, be read a first time. (2) The Bill is then printed and after an interval must be brought forward for second reading. This is the stage at which the general principles of the Bill are explained and discussed. If the Bill obtains from the House a second reading, it goes (3) into the Committee stage. The Committee may consist either of the whole House sitting in the Chamber, or of a small number of members, who sit in one of the Com-

mittee rooms. In order to facilitate the passing of Bills, most Bills which are not of the first importance are referred to one of these smaller Committees. In Committee, whether of the whole House or not, the Bill is subjected to very detailed and minute examination; alterations, technically known as amendments, are proposed, and when the Bill has been examined clause by clause, it is 'reported' to the House. (4) On the 'Report' stage further amendments may be proposed and embodied in the Bill. Finally (5) the Bill in its amended or unamended form is again discussed, and read, or not read, a third time. On each of these stages voting may take place, technically known as 'Divisions'. When a 'division' is called by the Speaker the members troop out into one or other of the two lobbies which run on either side of the Chamber itself, and in those lobbies the vote of each member, for or against the proposal, is recorded. The result of the 'division' is then announced to the House by the Speaker.

A Bill may be introduced either in the House of Lords or in the House of Commons, and by any member; unless it be a finance Bill, in which case it can be introduced only by a Minister in the House of Commons. Whether introduced in the Upper or Lower House, the Bill passes through the stages enumerated above, and is then sent down or sent up, as the case may be, to the other Chamber, where the process is repeated. Finally, when the Bill has passed through all its stages in both Houses, it is presented to the King, who gives, as already described, his assent to it. Such is the process of ordinary legislation; but over financial legislation, i.e. the granting of money, the House of Commons has, since 1911, had exclusive control. Procedure in regard to money Bills is rather complicated, but as the control of public expenditure is still much the most important business of the House of Commons, an attempt must be made to describe and to understand it.

Control of Expenditure

Early in each session the different departments of Government—the Ministry of Education, the Ministry of Health, the War Office, the Admiralty, &c.—submit to the House of Commons estimates of their expenditure for the following twelve months. These 'Estimates' are prepared in the different offices with the greatest care and are presented in great detail. For the discussion of the Estimates the House of Commons resolves itself into what is technically known as *Committee of Supply*. Before the House can go into Committee of Supply the Speaker must leave the chair and the Chamber, and the House must get to business under another chairman. This procedure is historically very interesting. Let it be remembered that in old days the Speaker was the special representative of the King. When a department of Government, let us say the War Office or the Admiralty or the Ministry of Health, lays its Estimate before the House of Commons, it is in effect asking the representatives of the people to vote money to the King to enable him to carry on the business of State. The House of Commons is naturally anxious to spend as little of the tax-payers' money as possible, and in order to discuss the demands of the Government, i.e. of the King, in complete independence, it banishes the Speaker and gets to work in a more informal manner and has a chairman entirely of its own choice. Nowadays this is not a matter of so much importance as all the doings of Parliament are reported in the newspapers. In former days, however, Parliament sat, debated, and voted in secret. It was important, therefore, that the speeches of individual members, especially if they were opposed to the grant of Supplies, should not reach the ears of the King. These days have long since gone by, but the form is still preserved, and in token of its preservation the details of finance are discussed without the presence of the King's representative—the Speaker.

The Budget

The Estimates, that is, the programmes of expenditure, having been approved by the House, the question arises: how the money is to be raised? The department responsible both for the raising of money and, in the last resort, for its expenditure, is the Treasury. Every year the Treasury draws up a scheme for the raising of the necessary revenue, and this scheme is explained to the House of Commons, in a statement known as the *Budget*, by the Chancellor of the Exchequer, who is now practically head of the Treasury. The proposals of the Budget are then embodied in the *Finance Bill*, and this Bill, like other Bills, has to go through the stages already enumerated—three readings, 'Committee', and 'Report'. Unlike other Bills, however, money Bills need not obtain the assent of the House of Lords but may be submitted directly to the King for his approval.

How the Money is Spent

We must now consider two questions of great importance to every citizen. The first is: how the money voted by Parliament is actually spent; the second is, how the money is raised. The Central Government is at present spending about £825,000,000 per annum. This is an appalling amount, but a large proportion of it is due to the great war in which we were lately engaged. Thirty years ago the total bill was not more than about £100,000,000 a year, but it increased rapidly during the succeeding ten years, and just before the War the bill had mounted to about £200,000,000. To-day it is more than four times as much. Of the total, however, nearly half (£380,000,000) is paid for interest and sinking fund on the National Debt. No country could pay for a great war such as we waged between 1914 and 1918 out of its yearly revenue. Consequently, every nation during a great war has to borrow money with

which to carry it on. No one, whether an individual or a Government, can borrow money without paying interest upon it so long as the debt is outstanding, and every prudent person or Government will also lay something by each year to extinguish gradually the capital sum. To-day this country is paying nearly £320,000,000 a year in interest on the vast sums we were compelled to borrow ten years ago, and in addition is putting aside into what is called a Sinking Fund some £60,000,000 a year in the hope of gradually wiping out our large indebtedness. This interest and sinking fund are payable out of a permanent fund known as the Consolidated Fund. Upon this fund are also charged payments to the Royal Family, to the judges, and other payments of a permanent character. In regard to the Royal Family it should, however, be said that the Monarchy in this country cannot be considered as in any sense a charge upon the tax-payer. Some years ago a bargain was struck between Parliament and the King. The King in those days enjoyed a large revenue from the Crown estates. It was, however, thought desirable that these estates should be taken over by the nation, and that in return the nation should make a fixed allowance to the King and other members of the Royal Family. As a matter of fact, as things have turned out, the nation made an exceedingly good bargain; the Crown estates are now yielding an income exceeding £1,000,000 a year while the allowance to the King is fixed at £470,000 a year. Even when allowances to other members of the Royal Family, pensions to Royal Servants, &c., are added, it is unquestionable that the nation has made a very good bargain and that the Monarchy as an institution is costing the tax-payers of this country not one farthing.

Of the rest of the Budget total, about £115,000,000 is paid for the Army, Navy, and Air Force, while no less than £231,000,000 goes in payment for the Civil Services. The latter total is a very large and increasing charge upon the tax-

payer. Among the largest items which go to make up the total are about £60,000,000 for war pensions, nearly £42,000,000 for education,[1] about £33,000,000 for old age pensions, and other smaller but still very substantial sums for Insurance, Health services, and so on.

How the Money is Raised

How are these things paid for? Every farthing paid for the above items comes (always excepting the grants to the Royal Family) directly out of the pockets of the individual citizen. It is most important from every point of view that this should be clearly realized. People are apt to talk in a loose way about the Government paying for this, or the State paying for that. The State and the Government do not possess one penny of income of their own. Every penny they spend is in one way or another extracted in the form of taxes from the individual citizen.

Taxation

Taxes belong to two main classes: direct and indirect. Roughly speaking, direct taxes contribute rather more than half the total revenue; indirect rather less than half. Of the direct taxes by far the most important is the Income Tax. This is a levy varying in amount imposed by the State on the earnings or other income of all citizens except the poorest. A very rich man is at present compelled to pay to the Government under this head alone about half his total income. Moderately rich men have to pay about a quarter, while those who are poorer pay smaller proportions. The total raised in this way alone now exceeds £300,000,000 a year. Another large item in the direct taxes are what are called the Death Duties. When a man dies,

[1] This is, of course, exclusive of the sum (about £40,000,000) raised for this same purpose out of local rates.

if he leaves property exceeding a very small amount, his heirs have to pay over a varying proportion to the State. A very rich man's heir has to pay away not much short of half the whole of the property he inherits, but as in the case of the income tax, the amount gradually diminishes down to a point at which, on small properties, nothing at all is paid.

If all taxes were direct the poor would contribute nothing at all to the upkeep of the Government, but in view of the fact that much the largest portion of State expenditure is incurred in different ways for the benefit of the poor, this would be, as most reasonable people agree, grossly improper and unfair. Consequently it has long been an accepted rule that a large proportion of the revenue (nearly one half) should be raised from what are called indirect taxes. Nowadays these are mostly imposed on things which are more or less of a luxury, such as wine, beer, and spirits, tobacco, tea, and entertainments. Every citizen ought to realize, and most of them do, that when they buy a bottle of wine or a glass of beer, or an ounce of tobacco, a packet of cigarettes, or a pound of tea, or when they go to a theatre or concert or football match, a proportion, and in some cases an immense proportion, of the sum paid for the drink they consume, or the amusements they enjoy, goes in the form of a tax into the pockets of the Government. Thus if you pay 2*s*. for a pound of tea, only 1*s*. 8½*d*. goes in payment to the tea growers and the grocer; 3½*d*. goes to the Government. On every two-ounce packet of tobacco the duty is 11*d*.; on every 1*s*. packet of cigarettes, 5*d*.; on every pint of beer, 2¼*d*. When you pay 5*s*. for a ticket for a concert or a play, 1*s*. goes to the Government. In this way the Government is able to collect the huge sum of about £258,000,000 a year.

Such is the way in which the Government spends the money of the tax-payer, and such are the different ways in which it obtains the necessary revenue.

Local Rates

Every citizen, however, has to pay, not only what are called taxes to the Government, but also what are called rates to his own town or county. About rates or local taxation we shall have to say more when we come to speak of Local Government, but it should be mentioned here that in addition to the £825,000,000 raised by the Central Government, about £170,000,000 a year is raised in the aggregate by Local Authorities. Roughly it is calculated that on the average every citizen in England has to pay about £15 a head per annum to the Central Government, and about £4 10*s.* per head to the Local Authority. The richer people pay, of course, much more than that; the poorer much less. That is the average.

Appropriation and Audit

Another point in connexion with national finance now demands attention. We have seen that every year estimates of expenditure are laid before the House of Commons; and that every year the House of Commons votes very large sums of money to meet the estimated expenditure. But these sums are voted, not in a lump sum, but are allotted or 'appropriated' in great detail to each small item of expenditure. A glance at any one of the Estimates submitted to Parliament will illustrate this point. Take for example a relatively small Estimate, namely, the amount required to pay the expenses of the British Museum.[1] This amounts to about £220,000, but this relatively small sum is voted by Parliament under no fewer than ten sub-heads. Among these you may notice a sum for salaries and wages, a sum for police (including details down to their whistles), another sum for book binding, another for printing catalogues, and yet

1 An exact reproduction of this 'Estimate' will be found in Marriott's *Mechanism of the Modern State*, vol. ii, Appendix D, pp. 526 et seq.

another for fire-extinguishing apparatus. Such are the minute details into which every year Parliament is expected to enter; and to each of these detailed sub-heads a specific sum is allotted or appropriated. But it may be said: 'that is all very well, but how in the world is Parliament to know that the sum allotted to a particular item of expenditure is actually expended on that item and on nothing else?'

Audit

This brings us to another and the final stage in our system of national accounts. This is the system known to every careful business firm in the country as the annual audit of accounts. Of course this detailed work cannot be done by the whole House of Commons; accordingly, the House appoints a small Committee known as the Public Accounts Committee. This is the most important of the many financial committees set up by the House. Every year this Committee carefully scrutinizes the whole expenditure of the Kingdom and compares the accounts of the money actually expended with the account of the sums voted by Parliament. The Committee is assisted in its arduous labours by a very important permanent official known as the Comptroller and Auditor-General. With his assistance the audit is completed, and at the close of it the Committee reports to the House of Commons that everything is in order or that some things are not in order, as the case may be. Any public official may be called before this Committee, and every year many of them are, to give a minute account of every penny that has been spent.

It would be impossible to devise a system more thorough or complete, and the English tax-payer has at least the satisfaction of knowing that though the Government of the country may be on a very costly scale, and though he is compelled by law to make a very heavy contribution out of his private purse for the

expenses of the State, the money is honestly spent, and the people whom he elects to represent him in Parliament spend many hours, weeks, and months in an endeavour to attain that object.

General Discussions and Debates

It would give a false impression of the work of Parliament to imagine that its whole time is devoted either to financial business or to general legislation. Some proportion of the time of the House of Commons, and a very much larger proportion of the time of the House of Lords, is devoted to discussing and debating matters of general policy. The House of Lords, in particular, having now been relieved of all responsibility for control of finance, has frequent opportunities for the discussion of more general topics; and very useful and illuminating these debates often are. One day you may hear the House of Lords (and more infrequently the House of Commons) discussing the state of the country's trade; another day the question of our policy in China; a third day the problem of disarmament and the attitude of this country towards the League of Nations; or again it may be a question of the future government of our colonies and dependencies in East Africa; and yet again the government of our great dependency of India. There is indeed no question of public affairs which is not from time to time debated in Parliament, and these debates are a source of information and enlightenment to that great public outside Parliament—the individual electors, who are, in the last resort, responsible for the Government of the country and to whom Parliament itself must ultimately answer.

[Cf. *English Political Institutions*, chap. xi; *Mechanism of the Modern State*, chaps. xx–xxii.]

6

The Machinery of Government. The Departments at Work

We have now seen how Parliament (the Legislature or Law-making body) does its work. We have seen something, also, of the way in which the Executive Committee of Parliament, known as the Cabinet, does its work. But the members of the Cabinet not only form collectively an Executive Committee of Parliament; they, or most of them, are also individually heads of Administrative Departments—they preside over the great offices in which the actual day-to-day work of public administration is carried on. In each of these offices there are a very large number of employees, some of whom, known as Permanent Secretaries, occupy positions of the very highest responsibility and importance, some of whom do merely secretarial work of a purely routine character, while others again do the humbler but equally indispensable work of porters, messengers, cleaners, charwomen, &c. But every one of these, from the highest to the lowest, is a member of the King's Civil (i.e. as opposed to Military) Service.

This Civil Service now includes nearly 300,000 persons, and is responsible, as we have already seen, for a very large expenditure of public money. The Civil Service is almost entirely the creation of the last hundred years, and its growth has been due to the very large increase of duties now imposed upon, or assumed by, the State. We ought, therefore, to see something of the way in which this important work is done.

The Treasury

The Central Government is now divided into a number of Departments. Of these perhaps the most important, and one of the oldest, is the Treasury. The nominal head of the Treasury is the First Lord of the Treasury, an office which, as we have

seen, is generally combined nowadays with that of the Prime Minister. The Prime Minister himself is not, as such, head of a Department, nor has he any office or any body of permanent officials under him. During the War, however, it was found necessary to set up a permanent secretariat for the Cabinet, to keep minutes, record decisions, and make arrangements for the meeting of the many Committees into which the Cabinet is from time to time broken up. The arrangement was found so convenient during the War that it has been continued since the Armistice, and we may take it that the Cabinet Secretariat has now taken its permanent place in our administrative machinery.

But to return to the Treasury. Its importance lies in the fact that it exercises control over all the business of Government. The Treasury is responsible for the control of expenditure; it revises and approves all the Estimates prepared by the other Departments before they are submitted to the Cabinet, and, after approval by the Cabinet, are presented to the House of Commons. The Treasury is also responsible, subject of course to Parliament, for the regulation of taxation, and for the collection of revenue, though it is assisted in this latter duty by the Revenue Departments, which are known respectively as the Boards of Inland Revenue and of Customs and Excise. It is the business of the Treasury also to carry out all measures affecting the currency and the public debt, and it prescribes the form in which the public accounts shall be kept. There are other functions belonging to the Treasury, such as the audit of the Civil List of the King and recruitment for the Civil Service, which, though important, need not now detain us.

The Chancellor of the Exchequer

The political head of the Treasury is now the Chancellor of the Exchequer, who is assisted both in Parliament and in his Department by the Financial Secretary to the Treasury. Both

these officials are, of course, merely temporary; they come in and go out with the Government of the day; but there is also a departmental official, the Permanent Secretary of the Treasury, whose work is of the most responsible character. Among the members of the Cabinet, the Chancellor of the Exchequer occupies a position of importance second only to that of the Prime Minister, and there have been times, e.g. under Sir Robert Peel and Mr. Gladstone, when the Prime Minister himself assumed the Office of the Chancellor of the Exchequer. But with the increasing multiplication of State business this arrangement, though in some respects convenient, is not likely to be repeated.

The Chancellor of the Exchequer is the official responsible to Parliament for all the work of the Treasury as described above. He (or the Financial Secretary) lays before Parliament the Departmental Estimates; he expounds to Parliament the means he proposes for meeting the expenditure, and he is responsible for the conduct of the Finance Bill during the several stages of its passage through the House of Commons. In order to do his work properly he must, throughout the year, be in constant touch with the heads of the great banks, and more particularly with the Governor of the Bank of England, with whom the relations of the Treasury are intricate and highly confidential. He must be in touch also with the leading business men in the country. As already explained, the Government has no money or income of its own; every penny it spends, whether on the defence of the country, on health services, on education, on pensions, and what not, must be obtained in one way or another from the tax-payer. The more prosperous, therefore, the industry and the trade of the country, the more easy is it for the Government to get revenue. It is, however, a very difficult task to arrange taxation in such a way as to inflict the least possible inconvenience or injury upon the trade of the country and upon

private citizens. To do this, however, is the supreme duty of the Chancellor of the Exchequer, and his position, therefore, is far from enviable. On the one hand he is compelled to impose taxes in order to satisfy the requirements of the public administration; but on the other hand he must so arrange matters with financiers and business men as not to impair the sources of revenue. In a colloquial phrase, he must not 'kill the goose which lays the golden egg'. A Chancellor of the Exchequer, being primarily a tax-gatherer, cannot hope to be a popular person, but it is both his interest and his duty to make himself as little unpopular as is consistent with his official duty.

The Secretaries of State

We may next consider a group of Departments all of which are historically descended from a single official, the King's Secretary of State. The duties of the King's Secretary were originally discharged by the Lord Chancellor, but as time went on, the latter became more and more absorbed in his judicial duties, and the King therefore had to appoint another official who was known as his Secretary. As business increased, a second Secretary was appointed, and gradually these officials instead of being the private servants of the King became officials of State. Towards the end of the eighteenth century one of the two Secretaries began to concern himself entirely with Home Affairs and the other with Foreign Affairs, and we have now no fewer than seven Secretaries of State who preside respectively over the following Departments: the Home Office; the Foreign Office; the War Office; the Dominions and Colonial Office; the India Office; the Air Force; and the Scottish Office.

The Home Office

The Home Secretary is primarily responsible for the maintenance of order at home, but the duties he has to perform are

multifarious. He is responsible for the administration of justice, for the control of the Metropolitan Police, of prisons, of industrial schools, of criminal lunatic asylums, of immigration, of public-houses, of theatres, and is generally the guardian of public morals and the trustee of public amenities; he is also responsible for the administration of the Factory Acts and many other Acts regulating industry, but with all these duties he remains in a special sense the Secretary and Servant of the King. He is the official channel of communication between the King and his subjects; between the King and the Church of England; he presents to the King all newly appointed bishops, when they do homage; he has important duties in connexion with the grant of honours, and is the medium of instructions issued by the King to the Lord-Lieutenants, Magistrates, and other Officials. He also has the important duty of advising the King with regard to the exercise of the prerogative of mercy; all reprieves and pardons are issued through him. The Home Secretary is assisted in his work by a Parliamentary Under Secretary, and by a large permanent staff.

The Foreign Office

At the head of the Foreign Office is the Secretary of State for Foreign Affairs. The Foreign Secretary and his Department are responsible for maintaining friendly relations with all foreign governments; but the work of his Department is sufficiently explained by its title. To the Foreign Secretary all our Ambassadors and Consuls in foreign countries are responsible, and from him all passports must be obtained.

The War Office

The Secretary of State for War is the political head of the War Office and is responsible for the maintenance and control of the Army. Apart, however, from the Under Secretary and

the Financial Secretary, who, like himself, are Members of Parliament, and from the permanent officials of his Department, the Secretary of State is now advised by an Army Council. This Council includes, in addition to the Secretary of State the Parliamentary Under Secretary and the Financial Secretary, the following professional experts: the Chief of the Imperial General Staff, the Adjutant-General, the Quartermaster-General, and the Master-General of the Ordnance. These officials are responsible for the recruitment, discipline, housing, training, and equipment of the Army, and in time of war, for the general supervision of its actual operations.

The Dominions and Colonial Office

The Dominions and Colonial Office is presided over by a fourth Secretary of State who is responsible for most of the oversea territories of the Crown. Under his jurisdiction are not only the great Dominions, like Canada, Australia, New Zealand, and South Africa, but all the Crown Colonies and mandated territories such as Irak (Mesopotamia), Palestine, and other places which this country administers as a trustee for the League of Nations. The Colonial Secretary and his Department have also a special responsibility for emigration, though this portion of the work is now supervised by a special 'Overseas Settlement Committee'.

The India Office

India is not under the jurisdiction of the Colonial Office. After the great Mutiny, British India was transferred (1858) from the old East India Company to the Crown, and a special Department was then set up under a fifth Secretary of State. The Secretary of State is assisted by a Parliamentary Under Secretary, and also by a Council of fifteen members, most of whom are experienced Indian Officials. The India Office is in one respect peculiar as, apart from the salaries of the Parlia-

mentary Secretaries, its expenses are paid not by Parliament but by the Government of India.

The Air Ministry

The Air Ministry, as a separate Department, dates only from 1917. It is responsible for the Flying Force and is controlled by a Secretary of State and a Parliamentary Under Secretary, who have the assistance of a body of technical advisers known as the Air Council.

The Scottish Office

Scottish affairs have long been under the control of the Scottish Office, but only in 1926 was the Head of this Office advanced to the status of a Secretary of State. The latter is at once Home Secretary, Minister of Education, and Minister of Health for Scotland. He is a Member of the Cabinet, and in Parliament is assisted by an Under Secretary for Health, as well as by two Law Officers known as the Lord Advocate and the Solicitor-General for Scotland. Scotland, however, possesses its own Board of Agriculture and its own Inland Revenue Office. The main work of the Scottish Office is transacted in Edinburgh, though there is a nucleus of officials at the Office in Whitehall.

All the Offices described above may be regarded as emanations from a single official, the King's Secretary; but we now proceed to describe other great Departments of State.

The Admiralty

The King's Navy was originally controlled by an official known as the Lord High Admiral, but that Office was abolished some two hundred years ago and its duties transferred to the Board of Admiralty. At the head of the Board is a civilian First Lord, who is assisted in Parliament by a Civil Lord and a Financial Secretary, and in his Department by a Board of

expert advisers, among whom are four Naval Officers of high rank. Their duties in regard to the Navy are similar to those performed for the Army by the Army Council.

The Board of Trade

The Board of Trade was originally a Committee of the Privy Council, but since the end of the eighteenth century has had an independent existence of its own. The Board itself is nominal, including, somewhat incongruously, the Archbishop of Canterbury and the Speaker of the House of Commons, but its powers are exercised by a President who has a seat in Parliament, and of late years has been invariably included in the Cabinet. The Board of Trade performs a number of miscellaneous duties: it deals with merchant shipping and navigation; with trade designs, trade marks, and patents; with weights and measures; bankruptcy; the registration of Joint Stock Companies, and similar matters; but, as its name implies, it is primarily concerned with the trade and industry of the country.

As regards overseas trade, much of the work of the Board of Trade is now done by a special Committee known as the Department of Overseas Trade, which is in a semi-independent position and is separately represented in Parliament by a Parliamentary Secretary. As its name implies, this Department is concerned with the promotion and development of trade with foreign countries and with our Colonies and Dependencies.

The Ministry of Education

Like the Board of Trade, the Ministry of Education was originally a Committee of the Privy Council, but since 1899 it has had an independent existence under a President assisted by a Parliamentary Secretary and the usual permanent staff. The Board is responsible for public elementary education, as well

as for the inspection of many secondary and evening schools, schools of art and art classes, training classes and technological institutions. It is also responsible for certain museums.[1]

The Ministry of Health

The Ministry of Health, under that name, dates only from 1919, in which year it took over the duties of the old Local Government Board, as well as various duties previously performed by other Government Departments. It must now be regarded as one of the most important Departments of State; it is represented in Parliament by a Minister of the first rank, and a Parliamentary Secretary; it has a staff of nearly 4,000 persons, and is responsible for expenditure amounting to nearly £20,000,000 a year.[2]

Agriculture and Fisheries

The Ministry of Agriculture and Fisheries became a separate Department in 1889, and is now entirely responsible for agricultural education, for horse breeding, the diseases of animals, the improvement of live stock, and generally with all matters connected with agriculture and fisheries. Like similar Boards, it has its Parliamentary Ministers and its staff of permanent officials.

The Office of Works

H.M. Office of Works is concerned with the erection, maintenance, and repair of all buildings required for the public service; and with the care of the Royal palaces and Royal parks. The Head of the Office is a Parliamentary Minister known as the First Commissioner of Works, who is sometimes, but not invariably, included in the Cabinet.

[1] See also chap. ix, pp. 92–6.

[2] See also chap. ix, pp. 96–7.

Crown Lands and Duchies

Separate from the Office of Works, though formerly connected with it, are the Commissioners of Woods, Forests, and Land Revenues, who are responsible for the management of all the Crown lands except the Duchies of Lancaster and Cornwall, which have separate Offices of their own. The King himself is Duke of Lancaster, and the affairs of his Duchy are managed by a Chancellor, a Vice-Chancellor, and an Attorney-General. The Chancellor of the Duchy of Lancaster, though a Parliamentary Minister and frequently included in the Cabinet, is not paid by Parliament, nor responsible to Parliament, but is strictly a Servant of the Crown, and, like his subordinate officials, is paid out of the revenue of the Duchy. The Duchy of Cornwall belongs to the Prince of Wales, who derives from it most of his income.

Ministry of Pensions

The Ministry of Pensions was established in 1916 in order to deal with the immense amount of new business arising out of the Great War. It is responsible for the award and payment of pensions to ex-service men, and for the provision of medical treatment for disablement arising from service in the War. It carries out its work by means of offices distributed throughout all parts of Great Britain, and acts largely on the advice of local advisory councils. The magnitude of the work done by this Ministry may be gauged from the fact that it employs a staff of about 18,000 persons and expends about £60,000,000 a year.

Ministry of Labour

The Ministry of Labour dates as a separate Department from 1916, when it was established to take over and carry on the work of the Labour Department of the Board of Trade. It is mainly concerned with the problem of unemployment, the maintenance

of industrial peace, and insurance. During the last few years, owing to the depression of trade, the duties of this Department have been very onerous and very responsible, but its importance varies inversely with the prosperity of the country.

Among other offices recently created may be mentioned the Ministry of Transport, which was set up in 1919 to take over certain duties connected with railway and road transport, canals, bridges, docks, &c., formerly undertaken by the Board of Trade. The Mines Department was similarly set up in 1920 to deal with the coal-mining industry. Both the Mines Department and the Ministry of Transport are represented in Parliament by political heads.

The Post Office

Another Department represented in Parliament by a Minister of high (though not invariably of Cabinet) rank is the Post Office, which is in one respect unique. Other Departments spend the money of the tax-payer; the Post Office generally makes a profit on its transactions and so contributes to the relief of taxation. In 1925-6 the gross income of the Post Office amounted to £61,900,000 and the expenditure to £55,200,000, showing a profit for the State of £6,700,000—a profit only once exceeded. No other Department of State touches so closely and so continuously the daily life of every citizen in the State. Every year the Post Office carries about 6,000,000,000 letters and 143,000,000 parcels. It took over the telegraphic service in 1870, and the telephones in 1911; the latter alone transmit 1,000,000,000 messages a year. But the Post Office is much more than a carrier of letters and parcels, and a transmitter of messages. It is the banker and the stockbroker of a vast number of persons of all classes, and especially the poorer classes. As far back as 1861 the Post Office established a Savings Bank Department; this department has no fewer than 12,000,000 depositors

and there stands to their credit a sum of about £283,000,000. In addition to this the Post Office acts as an agent or broker for the purchase of Government National Debt Stock. It holds 2½ million accounts and is responsible for the investment of 190 millions of money. There are also between 7 and 8 millions of holders of Savings Certificates also purchased through the Post Office, and to the credit of these holders there is now a balance of about £375,000,000. These figures will give some idea of the immense scope of the work of the Post Office as banker and stockbroker. But even this does not exhaust the tale of its activities: it is the Post Office which distributes State bounty in the shape of Old Age Pensions, which pays contributory pensions to those who are entitled to receive them under the Widows, Orphans, and Old Age Pensions Act of 1925 (see page 97); it also collects revenue for the State in return for licences of different kinds, and by the sale of the appropriate stamps it collects contributions towards Health Insurance and Unemployment Insurance and the Contributory Pensions Scheme already mentioned. It is little wonder in view of this expansion of activities that the staff of the Post Office should have expanded rapidly. A century ago the staff numbered 1,377, to-day it numbers 224,000, of whom 172,000 are men and 52,000 are women. About two-thirds of this number are on the permanent establishment, i.e. are pensionable Civil Servants, and the remainder are temporary employees but with every prospect of permanent employment. Of postmen alone there are no fewer to-day than 50,000.

Such are a few of the many departments of Government in this country. Of the contribution which they make to the well-being of our people something more will be seen in a later chapter.[1]

[Cf. *English Political Institutions*, chap. v; *Mechanism of the Modern State*, chaps. xxvii–xxx; see also chapter ix of this book.]

1 Cf. chap. ix, which should be read in close connexion with this chapter.

7

The Judges and the Law Courts—Liberty and Justice

Personal Liberty

Ask a prisoner what he most desires and he will probably answer: 'I want my liberty'. Ask a man who thinks he has been cheated by his neighbour the same question and he will answer: 'I want my rights'; or 'I mean to have justice'. Give a man the choice between shelter, food, and clothing provided by an Institution in which he is compulsorily confined, and the life of a homeless tramp, he will, in nine cases out of ten, prefer his freedom, even if it involves hardship or even perhaps starvation. Most men will go to considerable inconvenience and some to great expense merely to establish what they believe to be their rights.

Evidently, then, the love of personal freedom and a desire for justice are instincts implanted deep in human nature. No system of Government which does not satisfy these instincts can be regarded as perfect, or even tolerably satisfactory. How are they satisfied under our own system?

This question leads us to consider the third of the three great functions or duties of a civilized Government. We have already seen how the laws of our country are made in Parliament; how those laws are carried out and the business of the country is transacted by the Administrative Offices, or State Departments. We are now to see how, as individuals, we secure our rights—the most important of those rights being personal freedom, and the right to enjoy our own property and live our own lives without molestation or interference by our neighbours.

Fortunately most of us, in England, enjoy these rights unconsciously. The system of Government is so good, the laws are so carefully made, the people themselves are on the whole

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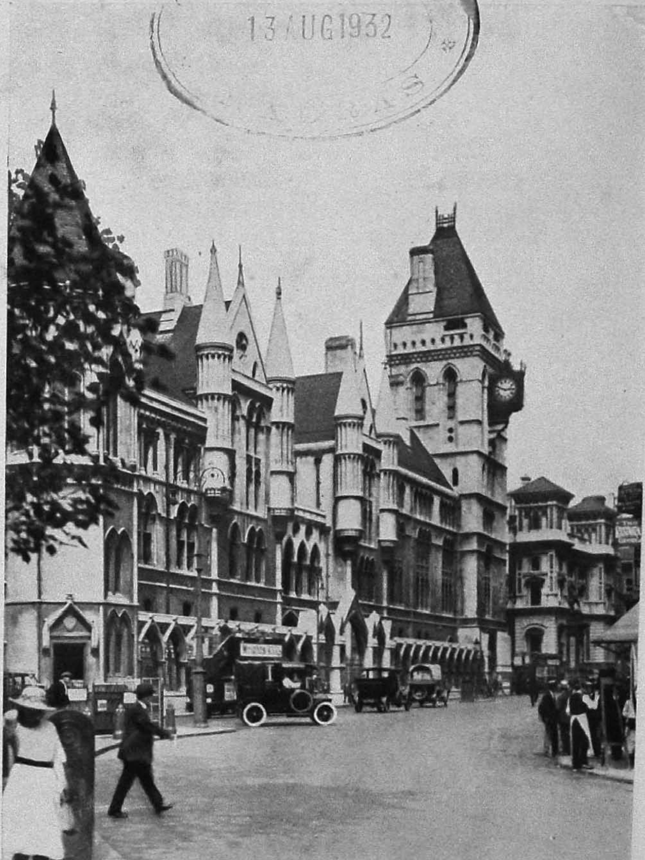

THE LAW COURTS

so orderly and law abiding, that we are hardly conscious that we possess rights. Yet the policeman is a familiar sight: we have all heard of magistrates and lawyers; some people have made acquaintance with the County Courts (not to be confused with the old Shire-courts nor with the modern County Councils), and a few people may have seen in the streets of an 'Assize Town' the procession of the Judge, in wig and ermine and scarlet, the High Sheriff and their respective officers, as they proceed to the 'Assize Courts', to try prisoners suspected of crime or to decide important disputes between one citizen and another. Many people are from time to time summoned to serve on a *jury*.

What is the meaning of all this machinery—policemen and judges, lawyers and jurors? We speak of it as the 'administration of justice', and we are taught that our own individual happiness and well-being largely depend on the administration of justice being both firm and fair.

The Policeman

Let us start with the most familiar object, the policeman. Our colloquial name for this officer of the Law reminds us that his office is of very recent origin, only about one hundred years old. Known to most of us as a 'Bobby' or a 'Peeler', we ought to remember that a regular police force was first instituted by Sir Robert Peel (1829). Generally speaking, the policeman is a most friendly and helpful person, especially if you want to cross a crowded street in London; but he may find you riding your bicycle after dark without a light, or he may look into an empty house and notice two obvious strangers packing away the silver or other useful and portable objects. In the former case he will take your name and address, or, if you refuse it, will take you to a police station; in the latter case he will take the suspected persons to the police station, where they will be 'charged', that

is, accused of some definite offence against the law, and locked up for the night.

The Law Courts

In either case, whether your offence be trivial or serious, you will be taken before the magistrates and charged with the offence. Before the magistrates the policeman will give his story, and if you deny its accuracy, you will give yours, and the magistrates will decide between them. If they believe the policeman and the offence is trivial, they will fine you, or possibly even send you to prison for a short term. If the offence is serious, and the magistrates are of opinion that there is a case against you, they will send you for trial to a superior local court known as Quarter Sessions. The judges in Quarter Sessions are, in country districts and the smaller towns, the County Magistrates, but in the larger towns the judge is a professional lawyer known as the Recorder. The Court of Quarter Sessions can try all criminal offences sent on to them from Petty Sessions (i.e. the magistrates sitting in police courts), and they try them in some cases with, and in others without a jury. If the crime of which you are accused is a very serious one it is referred by Petty Sessions to the High Court of Justice. The High Court of Justice is held either in London or in one of the Assize towns in different parts of the country. The judges of the High Court are all eminent lawyers appointed by the Lord Chancellor for their special fitness as judges.

Judge and Jury

In the criminal administration of justice in the High Court the judges have the assistance of a jury of twelve persons, men and women, and also of trained advocates or barristers. The case against you is presented to the judge by one barrister and you may be defended by another barrister. Witnesses are called on both sides to speak on oath to the facts of the case as known

to them, and you may yourself give evidence, also on your oath, on your own behalf. Having heard both sides the judge summarizes the points in your favour and against you, explains the law applicable to the case, and then leaves it to the jury to say whether you have or have not committed the offence with which you are charged—whether in a word you are guilty or not guilty. If the jury find you guilty, the judge pronounces the sentence prescribed by law for your offence.

Should you be dissatisfied with the way in which the judge has conducted the trial, you may, if permitted to do so, appeal to what is known as the Court of Criminal Appeal in London. This final Court may confirm your conviction, or may set it aside; it may reduce your sentence, or increase it.

Juries

A few words should here be said about the jury. The jury is a very ancient institution, dating from times before the Norman Conquest, and the idea of it is that the people best qualified to say whether you are guilty or not are your own neighbours. Originally the jury gave evidence themselves, i.e. acted as witnesses, but in course of time they ceased to be witnesses themselves and were required to listen to the evidence given by other people, and then give their decision in accordance with the evidence. This is their duty to-day, and their position is one eminently characteristic of our English institutions. The jury are not trained lawyers; they are not specially selected because they are particularly clever, nor because they know anything about the facts in the particular case. They are just selected at random from the ordinary householders, shopkeepers, and so forth, in the locality in which the crime, or supposed crime, has been committed. Their only business is to listen carefully to the speeches of the advocates, to the evidence given by witnesses, to the directions of the presiding judge,

and then, as men and women of common sense, to answer whether in their opinion the accused is or is not guilty; whether he has or has not committed the offence with which he is charged.

The Coroner

There is another very painful duty for which juries are sometimes summoned. If a person is killed or drowned, or dies suddenly, in such a way that a doctor cannot certify the cause of death to be 'natural', an inquiry has to be held into the cause of death by an official known as the Coroner. A coroner, like a judge, has the assistance of a jury, and it is for the jury, under his direction, to say, after hearing evidence, what has caused the death of the person. If it is a case of suspected murder, and the name of the suspected murderer is known, the coroner may, like a magistrate, issue an order (warrant) for the detention of such a person; but in any case the trial of the suspected murderer will have to take place, as already described, in the High Court of Justice.

Such in rough outline are the arrangements for the administration of criminal justice in England. It will be seen that the utmost precautions are taken that no one who is really innocent shall be convicted of crime and deprived of life, or even of liberty. Mistakes may occasionally be made, and innocent persons may occasionally suffer wrongly, but there is reason to believe that these cases are exceedingly rare, and that the ordinary citizen of England, if he conducts himself properly and obeys the laws made by his own representatives in Parliament, is not likely to be deprived of that most precious right, his personal freedom, or even to be compelled to pay a fine.

County Courts

As we have seen, however, the administration of justice is concerned not only with crimes, but with disputes between one

individual and another. If the dispute is about some relatively trivial matter, it will probably be decided in a local Court known as the County Court. These Courts were set up under an Act of 1846, and they are held, as a rule, every month in each of some five hundred districts. County Court judges are trained lawyers of at least ten years' standing, and are appointed and removable by the Lord Chancellor. An immense amount of business is transacted in these Courts—about 1,000,000 cases a year. The more important cases involving very large sums of money they are not allowed to try; but most petty disputes, bankruptcy cases, and cases involving the interpretation of wills (if the property left at death is small) can be and are decided in the County Courts. As a rule, cases are decided by the judge without a jury, but if the amount at issue exceeds £5 either party may demand a jury of five persons, and the judge may at his discretion allow a jury in cases involving even a smaller amount. In nearly all cases an appeal is permitted on questions of law from the County Court to the High Court, but so satisfactory are County Courts found to be, that appeals are comparatively rare.

The High Court

Mention has been more than once made of the High Court. This supreme Court of Justice is divided into (1) the High Court of Justice, and (2) the Court of Appeal. The former sits in three divisions, according to the class of case brought before it: (1) the King's Bench Division, in which the Lord Chief Justice presides assisted by a staff of seventeen judges—all criminal cases and many civil cases are tried in this Division; (2) the Chancery Division, which consists of the Lord Chancellor and six other judges, and deals mainly with questions of property; and (3) the Probate, Divorce, and Admiralty Division, which deals with wills, matrimonial cases,

and shipping matters. From this High Court of Justice there may be an appeal to the Court of Appeal, and from the Court of Appeal a case may be carried to the highest Court of Appeal which sits in the House of Lords. In the House of Lords the Lord Chancellor presides and is assisted by six professional judges known as Lords of Appeal in Ordinary, and by any other members of the House of Lords who happen to have held high judicial office.

Judicial Committee of the Privy Council

There remains one other very dignified Court of Justice to be noticed. This is the Judicial Committee of the Privy Council. This Committee represents the Privy Council sitting in a judicial capacity, and its judgements take the form of advice tendered to the King. The main business of this Court is to hear appeals from the Dominions, Colonies, and Dependencies, and to decide questions of ecclesiastical law. When the Committee sits to hear appeals in ecclesiastical cases the archbishops and such bishops as are members of the Privy Council may be summoned as 'Assessors'—that is, to assist the Committee with technical advice; but they are not members of the Committee, and do not take part in its decisions. Most of the work done in the Committee is not, however, ecclesiastical but comes to it on appeal from Colonial Courts.

Nothing, perhaps, is better calculated to give a casual visitor an idea of the greatness, the variety, and the dignity of the British Empire than to listen to the hearing of a series of cases tried before the Judicial Committee of the Privy Council. Dignity is not, perhaps, quite the appropriate word; as a matter of fact there are none of the imposing attributes of an ordinary Court of Justice about the Committee of the Privy Council. The judges wear neither wigs nor robes, and to a casual observer the proceedings seem to savour more of simplicity than dignity.

In reality, however, amid the most unpretentious surroundings, questions of the highest importance are decided. A visitor drops in one day and finds that the case concerns something which has happened to some of our Indian fellow-subjects in India; the next day Canadian barristers may be arguing a question of fishery rights which has arisen in the great Dominion of Canada; the third case may have come up on appeal from South Africa; the fourth from New Zealand, and so on. To any one, then, who possesses a spark of imagination, this great tribunal, sitting though it does in a dingy room in the Privy Council Office in Whitehall, must bring home the idea both of the greatness of the British Empire, and the majesty of the law which the highest Tribunal in that Empire so wisely and so impartially administers.

[Cf. *English Political Institutions*, chap. xiv; *Mechanism of the Modern State*, chaps. xxxi-xxxiv.]

8

Local Government—Towns, Counties, and Villages

There is an old Swiss proverb 'My shirt is nearer to me than my coat'. The Swiss peasant thinks more of the Government of his own canton than of the Government of the Swiss Republic. In a sense he is right; in a sense the Government of our own town or our own village is more important to our own daily well-being and happiness than the Government of the country, which we have now surveyed from the standpoint of Parliament Square. It is, of course, very important that Parliament should make good laws for the whole country; that those laws should be carried out efficiently and that all the citizens of the country

should learn to respect them and to realize that if they break them punishment will quickly ensue. But perhaps it is even more important to most of us that we should have good and pure water to drink; that the streets of the town in which we live should be clean and well lighted; that good schools should be provided for our children; that we should be able to get good books from our public library; that order should be maintained by a watchful police force; and that if there be an outbreak of measles or scarlet fever, prompt measures should be taken to keep it from spreading. How are these advantages secured to us? They cannot be obtained by individuals acting each on his own behalf, they are the result of good local government and administration.

In every county, in every town, in every village of England there is a body of persons elected by their neighbours who are responsible for these and like matters. If, therefore, we want to understand our own Government it is necessary to supplement what we have said in previous chapters about the King and his Ministers, about Parliament and the Public Departments, about the Judges and the Law Courts, by some description of the machinery of Local Government.

The Parish

The smallest unit of Local Government is the village, or, as it is technically known to the law, the Parish. In passing we may note that it is rather curious that it should be known as the parish, since that is merely an ecclesiastical name for the locality which was known to our ancestors as the tun or township. It is indeed eloquent testimony to the importance of the Church in those early days, and indeed throughout the ages, that for many centuries past our villages should have been technically known as parishes.

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MADRAS

THE CITY HALL, MANCHESTER

The County

The largest division of Local Government is the County or Shire. Wherever we live we generally describe ourselves as belonging to a particular county: we are Yorkshiremen or Lancastrians, Men of Somerset or Devon, as the case may be. The county spirit is still strong and is fostered by our athletic contests, though it is not perhaps so strong as it was 150 years ago. The reason is that to-day most of us live in towns, and to most people the town looms larger than the county. There is more of rivalry perhaps to-day between Leeds and Bradford, or Manchester and Liverpool, than there is between the White Rose and the Red. Down to the end of the eighteenth century it was otherwise; down to that time we were mostly an agricultural people living on and by the land and dwelling not in towns but in country districts. To-day, however, four-fifths of the people of England live in towns, and so we had better begin our description of Local Government with the Town Council.

Towns

Go into the Town Hall of your own town at any time when the Town Council is sitting; take your place in the public gallery and observe what is going on in the hall below you. There you will see a miniature parliament. In the President's chair sits the Mayor, or if it be one of our largest cities, the Lord Mayor. He is surrounded by a body of men varying in number according to the size of the town, some of whom are known as Aldermen and others as Councillors. The Mayor himself was elected to his Office last November by the men and women who are now sitting around him. He and his colleagues were all elected by the general body of citizens who contribute to the expenses of local administration—who pay what are called Local Rates, and who on that account are known as Rate-payers.

Every town has an election every year, but only one-third of the Councillors go out of Office each year, and they are elected for a term of three years. Every three years, therefore, the whole Council may be changed, though this is very unlikely to happen. From the general body of Councillors the Council itself selects a small number of persons (not more than one-third of the whole) who have the superior title and status of Aldermen, and who collectively form a sort of House of Lords though they sit invariably with their fellow Councillors.

By-laws

The main work of a Town Council is not legislative but administrative. (It is hoped that by this time the distinction between legislation and administration is clearly understood by the reader.) It is true that a Town Council or any other duly constituted Local Authority may make what are called By-laws. So may a railway company, as you learn from the fact intimated to you in many a railway carriage, that by smoking in that particular compartment you make yourself liable under a specified by-law to a fine of 40*s*. By-laws are so called because they are made by a subordinate law-making body in virtue of a limited permission granted to them by the supreme law-making body—Parliament. If a Local Authority exceeds in its legislation the limited power thus conferred upon it by Parliament, any Court of Law will hold the by-law to be of none-effect and the person transgressing it will not be liable to any penalty. This is what we mean when we speak of a Local Authority acting *ultra vires* (beyond its powers), and the limitation is an important safeguard for the liberty of the individual citizen. But within the limitations imposed by Parliament Local Authorities do possess the power of legislation, though this is not the most important part of their work.

Work of Local Councils

Far more important is their administrative work, i.e. carrying out in their particular localities the laws made by Parliament. Most of this work is done in a number of Standing Committees which like the Council itself are assisted by permanent paid officials. It should be said in passing that the people who serve on Town Councils or other local bodies receive no remuneration for their services. The work is honourable, the men and women who do it occupy a prominent position in their own localities, but the work itself is its own reward. But as the work of Local Government has increased in complexity and importance, it has been found necessary to appoint a number of paid officials who stand to the local Councillors in the same sort of relation that the permanent Secretaries in the great Departments in Whitehall stand to Cabinet Ministers. The analogy is not exact for various reasons which we will leave the reader to think out, but it is sufficiently precise for our immediate purpose.

The Council, as a body, is largely occupied at any given session in receiving and discussing reports from these Standing Committees. When we take our places in the public gallery the Council may be discussing a report from its Watch Committee—that is the Committee which is responsible for the police and the maintenance of order in the town. The Chairman of the Committee presents its report, but explanations are frequently asked from the chief Executive Officer of the Committee, who in this case is the Chief Constable. Or it may be that the Council is discussing a report from its Education Committee; a new school is wanted in a particular district; a new head teacher has been appointed; discussion arises and the Chairman of the Committee or the Executive Officer (in this case the Director of Education) is called on for explanations. Other important Committees deal with the health and sanita-

tion of the town; with the Public Library; or with the tramways, if the latter are owned and run by the town.

There is a good deal of difference between one town and another in regard to such matters as the water supply, lighting (gas and electricity), tramways, &c. Most towns nowadays have their own water-works, but not all. Some towns, but not all, supply the citizens with gas and electricity. Some towns have their own tramway system, in others the motor buses or even the tramways are privately owned and managed. Whether these things should be in private hands or should be publicly owned and managed is a matter of controversy the discussion of which is not appropriate to a little book like this. There are some people who think that it is in the public interest that all these things should be done by Public Authorities directly responsible to the rate-payers whom they represent. Other people think that such things are generally managed more efficiently and more economically if they are in the hands of private companies. Here it may suffice to say that the matter of supreme importance for the ordinary citizen of the town is that he should get his gas or electricity just as he should get his mutton, his vegetables, and his milk—of the highest possible quality at the lowest possible cost. Whether he is more likely to get them good and cheap from private tradesmen and private companies who are, or may be, in keen competition with each other, or from his Town Council acting through one of its numerous Committees and enjoying, in many cases, a monopoly of supply, is fair matter for difference of opinion. Many people who take an interest in the affairs of their own locality, as every good citizen should, think that their Town Councils have quite as much to do as they can do efficiently already, and that it is unwise to impose upon them additional duties at present carried out by what is called private enterprise.

Be this as it may, our Town Councils—the Mayor, Aldermen,

and Councillors, with their Education Committees, their Health Committees, and so on—have exceedingly important work to do, and are on the whole doing it well, although, unfortunately, like the Central Government itself, at great expense to the local rate-payer. At the present moment (1927) the Local Authorities are spending £450,000,000 a year, of which no less than £170,000,000 is being raised by local taxation, while the same localities have incurred debt amounting to over £700,000,000, a sum which is considerably in excess of the debt of the whole country before the Great War. Between the National Debt and the Local Debt, there is, however, an important difference. Much, though not all of the National Debt, is permanent, i.e. the people who have lent the money to the Government cannot demand repayment at any given date. All local debt, on the other hand, is repayable within a relatively short period. Nor is a locality permitted to borrow unlimited amounts, since for any borrowing it must obtain the sanction of one of the great central Departments of Government, the Ministry of Health. The relations between the Ministry of Health, formerly known as the Local Government Board, and the innumerable Local Authorities, are very intimate and very complicated. Here it must suffice to say that there are many things which Local Authorities can legally do only if they have previously obtained permission from the Ministry of Health.

Guardians of the Poor

Particularly intimate are the relations between the Ministry of Health and the local Boards of Guardians. The Guardians are local Councils or Boards, specially elected by local ratepayers for the particular work of looking after paupers, that is, the people who by reason of age, illness, or other causes, are unable to maintain themselves by their own work, or have no relations who are legally responsible for keeping them. The

Poor Law Guardians have in these days very difficult and responsible work to do. It is done in two main ways: first by providing Poor Law Institutions, (or Workhouses as they were formerly called,) hospitals, &c., into which paupers are received either permanently or for one or two nights' lodging, and in which they receive what is called Indoor Relief; secondly, giving relief, either in money or in food in their own homes, to certain classes of people who cannot maintain themselves. This is known as Outdoor Relief. During recent years, owing partly to the general upset caused by the Great War and partly to bad trade and unemployment, very heavy responsibilities have been thrown upon the Poor Law Guardians, who are at present expending a vast sum of money amounting to about £40,000,000 a year. In some few cases, indeed, this work has been so extravagantly done, that the Ministry of Health has been compelled to interfere and set aside the elected Guardians altogether and to take the administration of Poor Relief into its own hands. This, however, is an exceptional, and it may be hoped, a merely temporary expedient, and it is here mentioned only to illustrate the intimate and complex relations between the Central Government and Local Government.

Education

Even more intimate and more continuous are the relations between the Education Ministry in Whitehall and the many Education Committees in different localities. That connexion is continuous for the simple reason that the expense of educating the children of the poorer classes is shared between the Central Government and the Local Government. The contribution of the Exchequer to the total expense is at present about £48,000,000 as compared with £37,500,000 contributed by the local rate-payers. Other expenses of Government, such as the

upkeep of high roads, are in like manner shared between the Central and Local Governments, but none of them run into such big figures as education.

Villages

We may now return to Local Government in our country districts. In every village (parish) in England there is at present an elected Parish Council, though in the smallest parishes the Council or Meeting is not elected but consists of (practically) all the adult inhabitants. These Councils or Meetings look after the local affairs of the parish just as the Town Councils look after the affairs of the towns; but their powers are, naturally, very much more limited.

County Councils

In every county there is an elected County Council, consisting of Aldermen and Councillors. These Councils have the control of education, both higher and elementary; they deal with unemployment, with public health, old age pensions, housing, allotments, and many other matters, and they share with the County Magistrates the control of the county police force.

Intermediate between the County Councils and the Parish Councils is a division of Local Government known as the District. Some of these are Rural Districts, others are Urban Districts. In each District, Rural or Urban, there is an elected Council consisting of one Councillor for each parish. The work of the Rural District Councils is largely concerned with public health, but also extends to housing, highways, markets, water supply, &c. For Rural Districts these Councils also act as Guardians of the Poor. The Urban District Councils act for the smaller towns in very much the same way as Town and City Councils for the larger boroughs and cities.

Such in brief outline is the system of Local Government in

this country. The description given above is roughly true of the system as it works to-day, but things change very quickly, and a description which is true to-day may not be exactly accurate to-morrow. More remarkable, however, than the rapidity of change is the fact of substantial continuity in our local Institutions. Go back as far as you will in English history, to days long before the Norman Conquest, and you will find the leading men of the village meeting in their 'Moot' to discuss and order the affairs of the village. You will find in every Shire (county) the Shire-court or Council including, as the County Council includes to-day, representatives from every parish, who are brought together to take thought for the Government of the whole shire. Intermediate between village and shire you will find a Hundred Court, roughly corresponding to the District Council of to-day and concerned with the affairs of the district intermediate in size between the shire and the village. We have already seen that it was out of these local representative bodies that the House of Commons itself originally grew, but it is not that aspect of the matter that now concerns us. It is rather the extraordinary continuity which is so characteristic of life in this country. Despite all the tremendously important changes which have taken place in our social life, particularly during the last hundred years, it is still true that we are governing ourselves in very much the same way as our forefathers governed themselves more than a thousand years ago. In most of the villages of England people are worshipping on precisely the same spot, in many cases in the same building, where their forefathers worshipped centuries ago, and whither the men and women and children of the village have gone, generation after generation, century after century, at all the more solemn and impressive moments of their lives. On this spot the little children have been received in baptism into the English Church. Here their parents have been married, here

their fathers and mothers rest and they themselves will some day rest. This is what we mean by the continuity of social life. There has been no break in it from one generation to another. There has been almost, if not quite, the same degree of continuity in the government of our land.

[Cf. *English Political Institutions*, chaps. xii and xiii; *Mechanism of the Modern State*, chaps. xxxv and xxxvi.]

9
The Duties of Government

In previous chapters we have described simply the machinery of Government; we have attempted to answer the question *how* we are governed. But it seems proper to try to answer very briefly an even more important question: why all this elaborate machinery should have been invented. After all, the machinery in a cotton mill has been invented and perfected in order to produce cotton goods, and in the same way the machinery of government must be thought of not as an end in itself, but only as a means to an end.

What then is the end and purpose of the vast and complicated machine of Government? In old days the idea prevailed that the people existed for the sake of their rulers; millions of men and women toiled early and late in order that kings and princes and the great men of the earth should live in comfort at home and should from time to time go forth and fight their neighbours. Some such idea as this still lingers, no doubt, in the less civilized countries of the world, but in most of the western nations, and in some of the eastern, such ideas have nowadays entirely disappeared. In most civilized countries it is understood that rulers and governments exist for the sake of the people. If, however, we try to be a little more exact and answer the question,

what is the purpose of the machinery of government, we soon get into deep water. In a general way, however, we may say that the machinery of government is devised and is kept running in order to promote the well-being and the happiness of the mass of the people.

The Necessities of Life

The primary needs of every man, woman, and child, whether in civilized or uncivilized countries, are food, clothing, and shelter. In order to obtain these things people must work for themselves. It is no part of the business of Government to provide them ; it is indeed an ordinance of nature that if a man does not work neither shall he eat. Among savages the person who will not work and who cannot either provide these things for himself or by superior strength or wit make other people provide them for him, simply dies.

Charity

As peoples have become more civilized, and more particularly since Christianity was introduced into the world, another idea has begun to prevail. If men and women were too old or too weak or too ill to provide food, clothing, and shelter for themselves, good people were exhorted in the sacred name of charity to help them to get these things. Christianity taught people that it was their duty, as Christians, to think about and care for other people as well as themselves; and throughout many centuries it was mainly due to the teaching of Christianity that the sufferings and the wants of poor people were relieved. By degrees, however, the Government itself began to distribute charity, and nowadays much the greatest part of charity is, in fact, provided by the machinery which has been described in previous chapters. But it must always be remembered that the Government has no money of its own, and that every farthing

which the Government expends to help the poorer people is taken compulsorily out of the pockets of the people themselves and especially, of course, out of the pockets of the richer people. From this point of view Government may be regarded as a vast insurance society, insuring all the people against the many changes and chances of mortal life. Of the whole sum spent nowadays by the Government, much more than one-fourth is spent in this way. But to this subject we shall presently return.

Security: Law and order

We saw in a previous chapter that there was nothing which a man values more highly than his liberty; the freedom to go where he likes, and do what he likes, and think what he likes. But if we come to consider it, there is something else without which most of us would think life a very poor thing. We all want to be able to go about our daily business and to live our lives in security. Nowadays we expect to be protected by the Government from any attack which other people may wish to make upon us; we expect that if we are walking down a street and another man, or body of men, comes up and assaults us, there will be an agent of the Government within reach to try to protect us; that agent is the policeman. It is only, of course, in comparatively rare cases that anybody is attacked in the street, or that thieves break into our houses and steal our goods; still, these things do happen even in the most civilized countries, and it is to be feared that as long as human nature is what it is, there will always be some wicked people among a much larger number of good people, and, therefore, we look to the Government to take precautions against the bad people to prevent them, if possible, from killing us, hurting us, or robbing us; or, if they should succeed in doing any of these wicked things, then to make it fairly certain that the wrongdoers will be caught and punished for what they have done. In olden times there were

no policemen; every man had to defend himself and his family, and his house, and his goods, and his cattle, and so forth, but this is a duty which has in these later days been taken over by the Government. This is what we mean when we say in rather more technical language, that it is among the first duties of Government to maintain law and order and to protect the persons and property of the people.

National Defence

It is not, however, only bad people among our immediate neighbours against whom we have to be on our guard. From time to time, throughout all the long centuries of recorded history, one tribe has attacked another tribe, one nation has made war on another. Consequently, it has always been regarded as the duty of the Government, whether the country is ruled by a King or a Parliament, to provide for the defence of the country against external enemies. If it be asked why one country should want to attack another, we can only answer by another question: 'why should a pickpocket snatch my watch in a crowd? or why should a burglar ever enter my house and steal my goods?' Most prudent men keep their watch and purse in an inside pocket when they go into a crowd, and most careful householders lock their front door before they go to bed at night. But the Government has to think, not of one house, nor of one purse, but of all the houses, all the property, to say nothing of all the lives of all the people for whom it is responsible. This is the object of what we call National Defence, and all civilized governments, besides keeping up an internal police force, also keep up a force for defence against external enemies.

The Navy

The earliest of our regular and permanent forces for external defence was the Navy. Nowadays we spend as little as we

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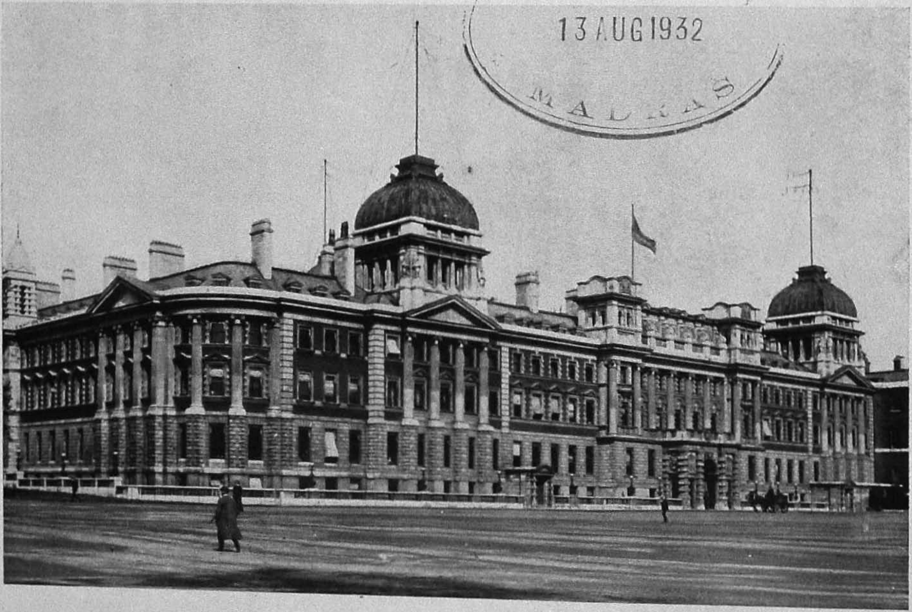

THE ADMIRALTY AS SEEN FROM THE HORSE GUARDS PARADE

possibly can upon these fighting Services. Our Navy costs us not much more than half what we spend, for example, upon the education of the poor, but it still costs nearly £60,000,000 a year. Why do we spend all this money? The answer to this question is partly supplied by history. The Royal Navy as a regular force only dates from the sixteenth century; to be more exact, from the reign of Henry VIII. Before those days English people very rarely fought at sea. Why was this? The fact is, difficult as it is for us to realize it, that down to the sixteenth century the rest of the world took very little account of England. England was in those days quite a poor country with very few inhabitants, with very little trade, with no colonies, and above all, in a most outlandish corner of the world. Look at any map of the world (most of them were very inaccurate) dating from any period before 1490, and you will see that these British Islands, if marked at all, are on the very outside edge of the world. The centre of the world for all practical purposes was, and for many centuries had been, the Mediterranean. Think of the people about whom we read in what we call ancient history: the Egyptians, the Jews of Palestine, the Greeks, the Romans; they all lived round the Mediterranean, and in their ancient books you never hear anything about England, at any rate until you come to the time when the Romans began to establish their great empire. But for long years after that England was a very unimportant country.

At the end of the fifteenth century, however, two things happened: a great Portuguese sailor discovered that a ship could sail round the southern end of Africa and could make its way into the Indian Ocean, and from there to India and even to Japan. About the same time, Christopher Columbus discovered America. Now look at a map dating from the sixteenth century, and you will see that the relative position of England has entirely changed; instead of being on the very edge of the

world, England is now in the very middle of it. From the moment when America was discovered, and when men began to go by sea instead of overland to India and the Far East, England forged ahead at an immense pace. Englishmen began to build ships and to go long voyages, as they had never done before. Towards the end of the sixteenth century Sir Francis Drake actually sailed round the whole world. As England began to take more and more part in seafaring, and to do more and more trade with distant parts of the world, it became necessary, not only to try to keep order at home, but also to protect the lives and property of Englishmen who, for their own profit but also to the benefit of their fellow-subjects, made these long voyages and carried on trade in distant places. That is the real origin of the English Navy. It started in a very small way, under Henry VIII, but in a very few years English sailors became known for their courage and skill, and in 1588 the English Navy fought and defeated the great Armada of the strongest naval power in the world—Spain.

Colonization and Trade

During the next three hundred years we established Colonies in three continents and we conquered India. With those Colonies, with India and with foreign countries in all parts of the world we have now established an immense trade, buying from them all manner of things, notably the greater part of the food we eat, nearly all the wheat, much of the meat, bacon, cheese, &c.; all the raw cotton required by the Lancashire mills, much of the wool worked up into cloth in Yorkshire, and many other raw materials. We sell to them in return our coal, our iron and steel products, our machinery, railway engines, motor-cars, and an enormous quantity of manufactured cotton and woollen goods. But just as there are bad men in our own towns and villages who would rob us if the policeman was not on the alert, so on the high

seas there are robbers who would gladly attack the ships which carry these goods to and fro, were it not for the protection afforded by the British Navy. £60,000,000 a year may seem to be a large sum to spend on fighting ships, but it is a small sum compared with the value of the goods, to say nothing of the value of the lives, which they protect in ocean transit. On the Indian Ocean alone cargoes to the value of £1,000,000,000 are in transit to and from Great Britain, and in all 80,000 miles of ocean highways are to-day policed by the British Navy.

Invaluable as an ocean police force in days of peace, the British Navy is a vital necessity in the much rarer times of war. But for the existence of the British Navy neither we nor our allies could have emerged victorious either from the last great war or from that long war which we waged against Napoleon Bonaparte more than one hundred years ago. But it is right and proper to think of the British Navy not primarily as an engine of war, but as a guarantee for the maintenance of peace.

The Army

The same is true of the British Army. As a regular standing force the British Army only dates from the latter part of the seventeenth century. As compared with the great armies of the Continent it has always been small in numbers, and now consists of less than 220,000 regular soldiers with the colours; and of this small army no fewer than 60,000 men are in India, and a large number are also regularly stationed in Egypt and in other parts of the world such as Gibraltar and Malta. The English Army, unlike the armies of most Continental powers, is an army of volunteers; only at times of difficulty, when we are waging a great war, are Englishmen compelled to serve in the Army. But though small, the British Army is kept up to a high standard of efficiency, and the sum we pay for it (about £41,000,000) is by no means large in relation to the very

responsible duties which a British Army has to perform. If we had to think only of our own small Island, we could no doubt manage with an even smaller Army, always assuming that our Navy was strong enough to repel any invasion, but, as we have seen, Great Britain is the centre of a world-wide Empire, and although we must always rely mainly upon the Navy for the defence of those distant possessions, and though the great Dominions, like Canada and Australia, have now accepted responsibility for their own Armies, yet the circumstances of the British Empire compel us to maintain, both at home and in India, an Army which at a moment's notice is, according to the old saying, 'ready to go anywhere and do anything'.

The Air Force

In these latter days no country, unfortunately, can feel secure if it only possesses an Army and a Navy. The Great War revealed to the world the fact that much of the fighting of the future will take place, not on land or at sea, but in the air. Consequently, most countries, great and small, have now established an Air Force or Flying Corps. The British Air Force, like the British Army, is comparatively small, and now consists of about 33,000 officers and men, and costs about £15,000,000 a year. Whether we shall be able to keep it down to these figures or even diminish it, depends, not on ourselves, but on our neighbours; for it may be said quite truly that no British Government has the slightest wish to attack any other country. Our Navy, Army, and Air Force are maintained, therefore, not in order to enable us to attack any other country in the world, but simply to defend ourselves.

Education

So much for the work of national defence; but as we have seen there are other big Offices in Whitehall besides the Admiralty

and the War Office. What are they doing? If we are to measure the importance of a Government Department by the amount of money which it spends, we must assign the first place among the Civil Departments of Government to the Education Office. Down to half a century ago hardly anything was spent out of public funds in this country on education, but about the year 1870 people seemed suddenly to realize that a great change was coming over the government of this country. To express it in a single word (a Greek word) the government of England was becoming a *Democracy*. Until the end of the seventeenth century this country was really ruled by the King. If the king was a good king, the country was prosperous and well governed. If the king was a bad king, or even a weak king, the people were miserable. Everything depended upon the individual king. At the end of the seventeenth century a change came about; power passed from the king to the nobles, and for about 150 years England was really governed by a small knot of great families like the Pelhams, the Cavendishes, and the Russells. In the middle of the nineteenth century a further change took place; just as the great nobles had pushed aside the king, so they were in turn pushed aside by the great body of professional men and merchants, manufacturers and shop-keepers. That change was effected by the Parliamentary Reform Act of 1832. Then another class of people, those who worked mostly with their hands for weekly wages, began to ask why they too should not have a share in the government of the country in which they lived; and, gradually, by a series of Acts passed in 1867, 1884, and 1918, artisans and labourers were admitted to a share in government, so that to-day, as we have seen in a previous chapter, practically every adult man and woman has, by means of the votes which they give, some share in the government of the country. This is what we mean by a Democracy.

Down to 1870, however, there was hardly any provision made by the Government for the education of the poorer classes, or indeed of any class. The richer classes received their education in schools, colleges, and universities, some of which were founded many years ago by far-sighted and patriotic men, but in which the education was paid for mostly by the people who received it.

Such education as the children of the poor obtained was provided almost entirely by religious bodies and by individuals who were inspired by religious motives. Thus the Sunday School movement was in large measure a product of the teaching of John Wesley, who himself held Sunday classes. As an organized movement, however, the Sunday School dates from the foundation of the Sunday School Union by Robert Raikes, who opened his first Sunday School in 1782.

In the year 1801 Joseph Lancaster, a young Quaker schoolmaster, hired a large room in the Borough Road, and over it inscribed the words: 'All who will may send their children and have them educated freely, and those who do not wish to have education for nothing may pay for it if they please.' His experiment was an enormous success, his classes grew so rapidly that Lancaster may almost be said to have founded elementary schools for the poor. But some of his methods roused opposition, and those who thought that education ought to be entirely under the control of the clergy of the Established Church started in 1811 the 'National Society for Promoting the Education of the Poor in the Principles of the Established Church throughout England and Wales'. Of this Society the Rev. Andrew Bell, a zealot for education, was appointed superintendent, and before he died (1832) no fewer than 12,000 schools were established in connexion with the Society.

Three years before the foundation of the National Society the British and Foreign School Society had been founded (1808), and in course of time started a large number of Schools in all

parts of the country. These schools were not connected with any particular religious body, though they were maintained largely by the liberality of Nonconformists.

Down to 1833 the work of educating the children of the poor was entirely undertaken by such voluntary Societies. In that year, however, Parliament voted a grant of £20,000 a year, while leaving it to the British and Foreign School Society and the National Society to administer the grant. By 1846 the grant had risen to £100,000; the sum now spent by the State (including the Local Authorities) is about £100,000,000. But down to 1870 progress was slow.

When, however, the Government of the country was entrusted not only to the wealthier classes, but to all classes, statesmen began to consider, none too soon, whether it was not the duty of the Government to provide education for all its citizens, and indeed to *compel* every one to be educated. By degrees this idea was carried out, and now education is provided, without payment, for all children up to the age of fourteen, for a considerable number of young persons beyond that age, and even for adult men and women. Scotland was at least a century ahead of England in the provision of elementary, and indeed all grades of education. The Parish Schools of Scotland have long been a byword for efficiency; and teachers and scholars in Scotland have long been known for their zeal in imparting and imbibing knowledge. England and Wales have at last followed the example of Scotland, and to-day there is not a village in the land without its Elementary School; not a county or big town without Secondary Schools. Of the Elementary Schools 9,301 are wholly maintained at the expense of the State and are known on that account as 'Provided' or 'Council' (formerly as 'Board') Schools; 11,703 are assisted out of public funds, but are largely maintained by the voluntary subscriptions of members of the Church of England, by

Roman Catholics and other religious bodies. These 'Voluntary' schools have accommodation for 2,646,131 scholars; the 'Provided' schools for 4,416,662. There are over 165,000 teachers employed.

Health

Hard by the Board of Education is the Ministry of Health. This, as its name implies, is mainly concerned with the physical well-being of our people. Only since 1919 has this Department been known by its present title. The origin of the Department may be traced to the creation in 1847 of the Poor Law Board, which was set up to superintend the working of the new Poor Law (1834). The actual relief of pauperism, then as now, was in the hands of local bodies, but during the first thirty years of the nineteenth century Poor Relief had fallen into such a chaotic state that Parliament decided to set up a Central Board to secure some measure of uniformity in the administration of the Poor Law.

That Central Board was the parent of the present Ministry of Health, which is still responsible for superintending the work of the Poor Law Guardians.

In 1871, however, the Poor Law Board was superseded by and absorbed into the Local Government Board, which then became responsible not only for Poor Law, but for Public Health; for drainage schemes and all sanitary matters; for baths and wash-houses; for the registration of births, marriages, and deaths; for the Vaccination Acts and many other Acts for the prevention of disease; for housing and town-planning and many other similar matters. For all these things the Ministry of Health is still responsible, as well as for the supervision of milk supply and dairies; tuberculosis and sanatoria; maternity and child welfare; the care of the blind; allotments, libraries, recreation grounds, gymnasia, apprenticeships, local charities, and a multitude of like duties.

In addition to all this the Ministry is now responsible, in conjunction with the voluntary Benefit Societies, for insuring over 15,000,000 people against sickness, and also, in close connexion with Health Insurance, for providing pensions for the widows and orphans of insured persons, and for all insured persons and their wives after reaching the age of sixty-five.

The cost of all these services to the State is, it is hardly necessary to say, exceedingly heavy, but it should be added that towards the cost of the last two schemes—Health Insurance and contributory pensions—the employers and the work-people themselves contribute even more largely than the State.

Employment and Unemployment

Another scheme of insurance, now embracing over 12,000,000 work-people, is administered by another Department—the Ministry of Labour. This is a scheme for providing subsistence to insured work-people who are temporarily out of work. This also is a 'Contributory Scheme', being maintained partly by the State but largely by the contributions of the work-people themselves and their employers.

The Ministry of Labour also superintends the work of the local Employment (or Labour) Exchanges, which have in recent years been established in all parts of the country. The object of these exchanges is to find employment for those who cannot find it for themselves. Another duty which falls to the Ministry of Labour is the supervision of the work of the Trade Boards, which have been set up to regulate wages in those trades which have no Trade Unions of their own and where unscrupulous employers sometimes take advantage of defenceless workpeople. The Department also concerns itself with the prevention of lock-outs and strikes, and with bringing about a settlement when disputes between employers and work-people do unfortunately occur, and it publishes a vast amount of statistical

information about the state of trade and employment, the rates of wages, the cost of living, and similar matters.

Factories and Mines and Agriculture

The activities of the Government extend far beyond those enumerated in preceding paragraphs. Every mill, factory, and workshop is regularly inspected by Government Officials in order to be sure that the people employed there have plenty of light and air, that they do not work too long, and that in other ways their well-being is carefully considered by those who employ them. People who work in coal mines are also looked after by the Government in the same sort of way, in order that they may not be exposed to any dangers which it is possible by forethought to avoid. Nor does the Government confine its watchfulness to factories and shops and mines; it takes the same sort of trouble about agriculture and fisheries.

Some, indeed, think that the Government is doing in all these ways a great deal too much, and that people on the whole would be quite as well off if the Government were to leave them alone. There is a great deal to be said on both sides, but it cannot be said in a little book like this. To discuss these matters would carry us, as I said just now, into deep waters. Enough has been said in the present chapter (though not half has been told) to explain why it is that such very elaborate machinery has been brought into play in order to carry on the complicated Government of a modern State. In days when England contained only one-tenth of the people who inhabit this island to-day; in days when people lived more simple lives and maintained themselves largely by cultivating the land, there was, perhaps, less reason for elaborate Government machinery. It was when people began to congregate in large towns, when they began to work less on the land and more in factories, and when they became dependent for their food and

clothes not on their own work but on what they could buy from other people, that it became necessary for the Government to take upon itself more and more elaborate duties. Whether Government is now trying to do too much, whether it is, as people say, too fussy and interfering, is a point which we must not here discuss.

[Cf. *English Political Institutions*, chap. v; *Mechanism of the Modern State*, chaps. i and xxvii–xxx; and see chap. vi above.]

10

The British Empire

THUS far we have been speaking of the government only of this island. London, however, is the capital, not only of Great Britain, but of the British Empire, and no book, however small, which attempts to answer the question 'how we are governed' can leave out of account the government of the Empire as a whole.

There have been great empires in the world before the British Empire, but there has been none which was at once so vast in extent or so various in its subjects. Some of the King's subjects are white, some yellow, some black; some have barely emerged from a state of savagery; others are among the most advanced peoples of the world. To-day King George is the Sovereign Lord of no fewer than 463,000,000 people, of whom fewer than 70,000,000 are white. These peoples live in lands which in the aggregate amount to nearly 14,000,000 square miles. Some of the countries in which they live are very densely populated, in others the population is thin and scattered. In England, for example, there are 701 persons living on each square mile; in Canada and Australia there are only about 2.

The Self-Governing Dominions

The Government of this vast Empire takes an infinite variety of forms. Within the Empire are contained some 200 different units in almost every stage of political and economic development. Broadly speaking, however, the Empire falls into five great groups. First there are the self-governing Dominions, namely, Canada (technically known as British North America), Newfoundland (which has always remained outside the Canadian Dominion), the Commonwealth of Australia, the Union of South Africa, New Zealand, and the Irish Free State. By gradual stages these Dominions have attained to what we call complete self-government. In each of them there is a Governor-General appointed by the King, and acting, as the King himself acts, as a constitutional ruler, that is, not on his own responsibility, but on the advice of a body of Ministers who are generally known in the Dominions, as they are at home, as a Cabinet (see page 19), and are themselves in turn responsible to Parliament. In each Dominion there is a Parliament modelled on the Parliament at Westminster, and in every case consisting of two Houses. But there are two differences which must be noted: first, though each Dominion has an Upper House and a Lower, in none of them is there an Upper House composed like the English House of Lords. This is inevitable, because, as we have seen, the House of Lords is mostly composed of hereditary Peers, and the Dominions do not possess an hereditary peerage. In order, therefore, to get a second Chamber, the Dominions have had to devise other schemes. They are not all alike: in some the Upper Chamber, like the Lower, is elected, though in a different manner; in some it is nominated; in others the two principles are combined. In every case the Upper House is very much smaller than it is in England: in Australia, for example, it contains only 36 Members, 6 of whom represent each of the six States of which the Australian Com-

monwealth is now made up. The Canadian Senate consists of 96 Members nominated for life by the Governor-General, i.e. by the Government in power. The South African Senate consists of 40 Members only, of whom each of the four Provinces in South Africa elects 8, and 8 are nominated by the Governor-General.

Federal Government

The Senates of Canada and Australia differ in another important respect from the English House of Lords, as indeed Canada and Australia themselves differ from Great Britain. Canada and Australia are what we call Federal States, while Great Britain is a single or unitary State. The Commonwealth of Australia, for example, is a compound of six separate States—New South Wales, Victoria, South Australia, Western Australia, Queensland, and Tasmania—which for certain purposes are combined in a single Commonwealth. Accordingly in Australia we have to think, not of one government, as we have in England, but of seven governments. In each of the six States there is a Governor, a Cabinet, and a Parliament, but over them all there is a Governor-General of the whole Commonwealth, a Cabinet for the whole Commonwealth, and a Parliament for the whole Commonwealth. This is what we mean by a Federal Government; it represents unity in diversity, and diversity in unity. For certain purposes Australia, especially as it confronts the outside world, is a unit; for certain other purposes it consists of six different units. The same is true of Canada, which consists of nine provinces: Nova Scotia, New Brunswick, Prince Edward Island (known collectively as the 'Maritime Provinces'), Quebec (mainly French in population), Ontario, Manitoba, Alberta, Saskatchewan, and British Columbia. New Zealand and South Africa on the other hand are 'unitary' States. Like Great Britain, each has only a single Parliament and one Cabinet

responsible thereto. So much for the great self-governing Dominions.

Crown Colonies

Secondly, the Empire contains a large number of what are called Crown Colonies. Some of these, like Jamaica, have a Legislative Assembly (Parliament) which is either wholly or partly elected; others, like Ceylon, have a legislative Council wholly nominated by the Crown. Neither the former class, nor the latter possess a Cabinet; they are really governed, as England itself was really governed down to the end of the seventeenth century, by the King, or, in the Colonies, by a Governor who represents His Majesty.

Military Stations

Thirdly, there are Colonies which, like Gibraltar, Aden, or Wei-hai-wei, are really little more than military or naval stations, which are ruled by a Military Governor, and are held by us entirely for military reasons. Hong-Kong is not only a military and naval station of great importance, but is a great commercial centre as well.

Protectorates

Fourthly, there are large territories, mostly situated in Africa, which are known, not as Dominions, nor as Colonies, but as Protectorates. These are under the direct control of the Crown, that is, of a Governor nominated by the Crown.

Mandated Territories

Fifthly, to these we must now add 'Mandated Territories', nine in number, which were handed over either to the British Empire as a whole, or to one of its component Dominions, and which are held under the trusteeship of the League of Nations.

Among these may be mentioned Palestine and Mesopotamia, which are administered by Great Britain; German South-West Africa, which was handed over by the Treaty of Versailles (1919) to the Union of South Africa, to be held by the Union under mandate from the League of Nations; and some of the Pacific Islands, formerly belonging to Germany which are now administered by Australia or New Zealand, similarly under mandate.

All the above are technically and legally known as Colonies, a term which by Act of Parliament applies to 'Any part of His Majesty's Dominions exclusive of the British Islands, i.e., the United Kingdom, the Channel Islands and the Isle of Man, and of British India'. The term is thus equally applied in a legal sense to places vastly different in size and status; on the one hand to a place like Hong-Kong, which is a trading-station, to Gibraltar, which is a fortress, to Ascension Island, which is administered not by the Colonial Office but by the Admiralty, and is rated as a man-of-war; and on the other hand, to the great self-governing Dominions, like Canada and Australia.

India

One exception to the term 'Colony' among the oversea Dominions of the British Crown will have been noted. India stands by itself. Since the year 1858 British India has passed under the dominion of the Crown, and on January 1, 1877, Queen Victoria was, with great solemnity, proclaimed Empress of India, in the ancient capital of Delhi. India, however, includes two main divisions: British India proper, with its fifteen Provinces, which covers over 1,000,000 square miles and has a population of 247,000,000; and secondly, the Native States or Agencies, which cover over 711,000 square miles and contain 72,000,000 people. These Native States vary in size and in importance, from great kingdoms like those of Hyderabad and Mysore down to petty tribal chieftainships; but all alike

have now accepted, most of them willingly and even gladly, the supreme sovereignty of the King-Emperor of India. This means that the Native Prince has complete control only over the domestic policy of his State; foreign policy is in the hands of the King-Emperor, and without his leave not a shot may be fired in India to-day.

British India is at present in a transitional stage, a fact which makes it difficult to describe its government at once simply and accurately. Very briefly, however, it may be said that supreme power in India is still wielded by His Majesty's representative, the Viceroy, who is assisted in the task of government by an Executive Council, the members of which are appointed by the Crown, and are responsible immediately to the Viceroy and ultimately to the Secretary of State for India, and through him to the English Parliament. There is also in India a Parliament consisting of two Houses, partly nominated and partly elected. Since 1919 an attempt has been made to establish something like parliamentary government in the different Provincial or Local Governments of India, but as the arrangements are now the subject of inquiry, and may perhaps soon be changed, it is better not to describe them in detail. We should, however, bear in mind the declared policy of the British Parliament (as stated in the preamble to the *Government of India Act*, 1919), to provide for 'the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in British India as an integral part of the British Empire'.

Geography of the Empire

Geographically the British Empire falls naturally into six great groups: (1) the European, including, in addition to Great Britain and Ireland, the Isle of Man, and the Channel

Islands: Gibraltar and Malta; (2) the American, including, besides the great Dominion of Canada, Newfoundland, and Labrador: British Guiana, Honduras, the Falkland Islands, and Bermuda; (3) The West Indian Islands, of which the most important are Jamaica, the Bahamas, Barbados, Trinidad, and Tobago; (4) the Australasian, including Australia, New Zealand, Fiji, New Guinea, and other Pacific Islands; (5) The African, including, in addition to the four united Colonies of Cape Colony, Natal, the Transvaal, and the Orange Free State: Northern and Southern Rhodesia, British East Africa (including Kenya Colony, and the Uganda Protectorate and Zanzibar), West Africa, including Nigeria, Gambia, Gold Coast, parts of Togoland, and the Cameroons (under mandate); and the Sudan. Egypt itself was formerly a British Protectorate, but has now been surrendered, though there is still a British High Commissioner in Egypt and a considerable British garrison, which is maintained there chiefly in order to protect the Suez Canal, which has been rightly described as the 'nerve centre of the British Empire'. (6) The Asiatic, including, besides India itself: Ceylon, Hong-Kong, the Straits Settlement, the Malay States, Labuan, North Borneo, and Sarawak.

Empire Trade

Commercially the British Empire is as diversified as it is geographically and politically. The British Empire contains within itself practically every product of which man has need; it already produces 27 per cent. of the world's wheat, 15 per cent. of its silver, 23 per cent. of its lead, 30 per cent. of its zinc, 42 per cent. of its tin, 69 per cent. of its gold, 87 per cent. of its rubber, 66 per cent. of its rice, 88 per cent. of its nickel, 51 per cent. of sheep, 77 per cent. of its wool, and 53 per cent. of cattle. It is still short of raw cotton and tobacco, but the production of both these commodities is rapidly increasing

in Africa, and there is no apparent reason why the British Empire should not become entirely self-sufficing. Already a vast trade is done between the different parts of the Empire. Of the total exports of this country (£927,417,501) in 1925 the overseas Empire took no less than £361,413,727. Of this total Australia took over £64,000,000, South Africa about £33,000,000, Canada about £30,000,000, and New Zealand about £24,000,000. When it is considered how small are the populations in these Dominions these figures are very remarkable. Canada, for instance, contains only 9,500,000 people, but each person in Canada consumes English goods to the value of £2 18*s.* 11*d.* per annum; South Africa has 7,000,000 people (of whom only 1,600,000 are European), but each one of them consumes British goods worth £4 3*s.* 4*d.*; Australia has 6,000,000, but each Australian takes £10 3*s.* 1*d.* worth of goods from England, and each of the 1,300,000 New Zealanders £16 19*s.* 6*d.* In other words, every New Zealander is worth to Great Britain as a customer thirty-seven times as much as an American (9*s.* per head) and more than 340 times as much as a Russian (11*d.* per head). So much for what the overseas Empire buys from us. We buy a great deal from them. Of our total imports (1925) of £1,166,678,391, nearly £430,000,000 came from the overseas Empire. Of food imported into this country in 1925 (£537,968,859) no less than £212,118,580 came from our own Empire. These figures, imposing as they are, might with a little more thought on the part of the responsible Governments in this country and in the outer Empire, be still further improved. The British Empire to-day considerably exceeds in population the whole of the European Continent excluding Great Britain; it is more than four times as big as the United States of America, and a little less than four times as big as the whole European Continent. But such considerations belong to the future and cannot be further discussed in this little book.

Meanwhile it would not be right, nor true, to convey the impression that the machinery of Government exists either in Great Britain or in the British Empire primarily for the purpose of promoting trade and material prosperity. It is indeed evident that the production of things necessary or useful to man is a matter of great importance. Man, it is true, does not live by bread alone, but he cannot live without bread, or at any rate without food, for more than a few hours; hence the production of food on a considerable scale is an absolute necessity of life. But life consists of more than food, or even of raiment. It is the proud boast of Great Britain and of the vast Empire, which in the course of the last few centuries has been acquired by this little island in all quarters of the world, that it exists to-day primarily for the purpose of promoting the happiness and well-being of mankind. Some foreign countries are not unnaturally jealous of us, and some are apt to be a little suspicious of our motives; some of them, indeed, have gone so far as to accuse us of hypocrisy; but these accusations are unfair. We have no quarrel with our neighbours. Our supreme desire is to live peaceably with all men; we have not the slightest desire to use our Navy or our Army or our Air Force for the purpose of attacking any other country; we have, indeed, made immense sacrifices, and endured great hardships in order to promote peace throughout the world. No country has given greater support to that League of Nations which was established after the Great War to try and save mankind in future from a repetition of the horrors which nearly the whole world had to endure between 1914 and 1918. If our motives are misunderstood by our neighbours, we can only regard it as a misfortune for us and for them. We shall still pursue our course steadily, and (as far as we are permitted to do so) peaceably, sustained by the belief that there has been imposed upon the British peoples a great responsibility, and that it is our duty to face up to it, and, as

best we can, discharge it. 'Government' is only a means to that end; but we are more likely to reach the end if we understand something of the means. To help towards that understanding is the purpose of this little book.

[Cf. *English Political Institutions*, chap. xv, and Introduction to 3rd Edition; *Mechanism of the Modern State*, chaps. viii–xii, xxxvii, and xxxviii; and *Empire Settlement* (World's Manuals).]

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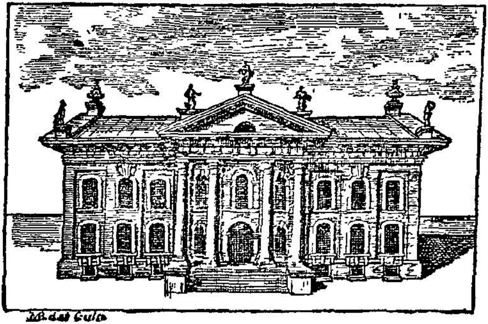

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